OAHU METROPOLITAN PLANNING ORGANIZATION

Technical Memorandum #1

Planning Process Review Preliminary Findings

FINAL

Photos Courtesy of Oahu MPO

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Planning and Engineering

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Oahu Metropolitan Planning Organization
Planning Process Review Project

Technical Memorandum

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List of Acronyms

3-C – Continuing, cooperative, and comprehensive planning process
BCAG – Butte County Association of Governments
CAC – Citizen Advisory Committee
CMP – Congestion Management Process
COMPASS – Community Planning Association of Southwestern Idaho
DBEDT – State of Hawaii Department of Business, Economic Development and Tourism
DPP – City and County of Honolulu Department of Planning and Permitting
DTS – City and County of Honolulu Department of Transportation Services
FAA – Federal Aviation Administration
FHWA – Federal Highway Administration
FTA – Federal Transit Administration
HART – Honolulu Authority for Rapid Transit
HCDA – Hawaii Community Development Authority
HDOT – State of Hawaii Department of Transportation
HRS – Hawaii Revised Statutes
ISTEA – Intermodal Surface Transportation Efficiency Act of 1991
ITS – Intelligent Transportation System
MAP-21 – Moving Ahead for Progress in the 21st Century Act
MRCOG – Mid-Region Council of Governments
NEPA – National Environmental Policy Act

OahuMPO – Oahu Metropolitan Planning Organization
OP – State of Hawaii Office of Planning
ORTP – Oahu Regional Transportation Plan
OTS – Oahu Transit Services, Inc.
OWP – Overall Work Program
PAG – Pima Association of Governments
RTC – Regional Transportation Commission
SANDAG – San Diego Association of Governments
SRTA – Shasta Regional Transportation Agency
SRTC – Spokane Regional Transportation Council
TAC – Technical Advisory Committee
TIP – Transportation Improvement Program
TMA – Transportation Management Area
TMACOG – Toledo Metropolitan Area Council of Governments
TOA – Tindale-Oliver & Associates, Inc.
UPWP – Unified Planning Work Program
U.S.C. – United States Code

Section 1: Project Introduction

Under the Federal Surface Transportation Assistance Act of 1973, the formation of a metropolitan planning organization (MPO) is required for any urbanized area with a population greater than 50,000 to ensure that decisions for expending federal dollars for transportation projects and programs are made through the continuing, cooperative, and comprehensive ("3-C") planning process.[1] Urbanized areas with populations of 200,000 or more are designated by the United States Secretary of Transportation as a Transportation Management Area (TMA) and are thereby given additional responsibilities and authority.[2] This includes the development of a long-range regional transportation plan and transportation improvement program that encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within its jurisdiction.[3] The Oahu Metropolitan Planning Organization (OahuMPO) was created in 1975 following designation by the Governor of Hawaii as required by Federal law and is a Transportation Management Area.

The OahuMPO is undertaking this Planning Process Review to identify ways to improve the 3-C process between the OahuMPO and its participating agencies, other departments and agencies, and the public and to provide work products and programs that not only meet applicable federal requirements but that also enhance the transportation planning process on Oahu. This effort includes developing a clear vision for the OahuMPO and a plan of action for implementing necessary changes to OahuMPO processes, procedures, and work products to achieve the vision.

The outcome of the Planning Process Review is intended to provide the OahuMPO with a Planning Process Strategic Plan. The OahuMPO has retained Tindale-Oliver & Associates, in conjunction with Weslin Consulting Services, Inc. (collectively referred to as the TOA Team) to prepare the Planning Process Strategic Plan. Development of the Planning Process Strategic Plan consists of four major steps:

Step 1 – Conduct a Background Review.
Step 2 – Develop a Vision.
Step 3 – Develop an Implementation Plan and Performance Measures.
Step 4 – Prepare a Planning Process Strategic Plan and Recommendations.

[1] 23 U.S.C. 134 (d)(1).
[2] 23 U.S.C. 134 (k)(1).
[3] 23 U.S.C. 134(a) and (d)(1).

The purpose of this Technical Memorandum is to document the findings of the comprehensive background review conducted under Step 1 and identify the emerging opportunities, issues, and challenges of the OahuMPO's planning process to be considered in developing the OahuMPO Vision in Step 2.

Section 2: Overview of the OahuMPO

OahuMPO History

As previously noted, the OahuMPO was created in 1975 following designation by the Governor of Hawaii as required by Federal law. The OahuMPO is recognized by the State of Hawaii in Chapter 279E of the Hawaii Revised Statues (referred to herein after as HRS 279E). Prior to the formation of the OahuMPO, the Oahu Transportation Planning Program was established as a quasi-agency presently charged with coordinating transportation planning on Oahu. The Oahu Transportation Planning Program was found unable to satisfy federal requirements for a 3-C transportation planning process and was decertified for federal funding. To be recertified, it was mandatory that an MPO be established and designated by the State of Hawaii to avoid continued loss of all federal planning and construction funds for transit and transportation.[4] One of the main purposes of HRS 279E is to "provide the mechanism by which orderly and reasoned urban transportation planning can take place within the framework of federal law and the need to provide for adequate and informed representation from both the state and county governments and the public at large."[5]

The OahuMPO operates under a 2008 Comprehensive Agreement between the OahuMPO, the State of Hawaii, and the City and County of Honolulu (both on their own behalf and as the operator of the public transportation system on Oahu, TheBus).[6] The purpose of the Comprehensive Agreement is to identify the responsibilities of the OahuMPO, the State of Hawaii, and the City and County of Honolulu in cooperatively carrying out the metropolitan transportation planning process.

There are currently two urbanized areas in Hawaii—the Honolulu urbanized area and the Kailua-Kaneohe urbanized area, both of which are located on Oahu. In 1992, by agreement between the OahuMPO Policy Committee and the Governor, the OahuMPO planning boundary was expanded to include the entire island of Oahu.

[4] HRS 279E-1
[5] HRS 279E-1
[6] Comprehensive Agreement dated October 23, 2008.

OahuMPO Organization

The decision-making authority of an MPO lies within the policy board of the organization established as a result of the MPO designation process under 23 US 134(d).[9] For all intents and purposes, the MPO policy board is "the MPO." For the OahuMPO, the decision-making body is called the Policy Committee.

In addition to the Executive Director and staff, the Policy Committee is also supported by two advisory committees: the Technical Advisory Committee (also referred to as the TAC) and the Citizen Advisory Committee (also referred to as the CAC). The Policy Committee, Technical Advisory Committee, and Citizen Advisory Committee are supported by the OahuMPO's Executive Director and staff.

OahuMPO Policy Committee

Federal statute requires the composition an MPO policy board to include the following members:[10]

1) Local elected officials
2) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation
3) Appropriate State officials[11]

According to HRS 279E-3, the OahuMPO Policy Committee comprises the following members:[12]

- Five (5) members of the City Council, at least three (3) must have primary responsibility for transportation issues

[9]Per 23 U.S.C. 134 (b)(2), the term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under 23 U.S.C. 134 subsection (D).
[10]23 U.S.C. 134(d)(2).
[11] "December 16, 2013, letter to Mr. Breene Harimoto, OahuMPO Policy Chair, from FHWA/FTA, Item 4. See Appendix B. Per guidance from FHWA in this letter, the term "appropriate" to modify state officials is understood to mean those in the transportation community representing state agencies, such as the Hawaii Department of Transportation (HDOT) and state-level elected officials representing the local community.
[12]HRS 279E-3; Comprehensive Agreement, Section B.1. Federal law does not require state enabling legislation for the formation of an MPO, only that the MPO be designated per agreement between the Governor and units of general purpose local government, per 23 U.S.C. 134 (d)(1).

- Three (3) members of the State Senate, one (1) of whom shall be the chairperson of the Senate Committee with primary responsibility for transportation issues; two (2) of whom shall be residents of the City and County of Honolulu and appointed by the Senate President)
- Three (3) members of the State House of Representatives, one (1) of whom shall be the chairperson of the House Committee with primary responsibility for transportation issues; two (2) of whom shall be residents of the City and County of Honolulu and appointed by the Senate President)
- State Director of Transportation
- Director of the City Department assigned primary responsibility for Transportation Planning

When Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law in July 2012, it stipulated that representation by public transportation providers would be required within two years of enactment, or by October 1, 2014, for each MPO that serves as a Transportation Management Area. The Executive Director of the Honolulu Authority for Rapid Transit (HART) now formally serves on the OahuMPO Policy Committee and HRS 279E has been amended to reflect this change.

Technical Advisory Committee

The role of the OahuMPO Technical Advisory Committee is to advise the Policy Committee and Executive Director on technical matters to ensure technical competence in the transportation planning process and to make recommendations regarding the designation of specific agency responsibility for the technical elements listed in Table 1 of the Comprehensive Agreement.[13]

The OahuMPO Technical Advisory Committee comprises the following members:[14]

- Two (2) staff members from the State Department of Transportation
- Two (2) staff members from the State Department of Business, Economic, Development, and Tourism, one (1) of whom shall be a staff member from the Office of Planning
- Two (2) staff members from the City Department of Transportation Services
- Two (2) staff members from the City Department of Planning and Permitting

[13]Comprehensive Agreement, Section B.5.
[14]Comprehensive Agreement, Section B.5.

TAC members who serve as a non-voting members include:

- Managing Director of the Hawaii Transportation Association
- One (1) faculty member of the University of Hawaii with a background in transportation or city planning
- One (1) staff member from the Federal Highway Administration (FHWA)
- One (1) staff member from the Federal Transit Administration (FTA)
- One (1) staff member from the Federal Aviation Administration (FAA)

Citizen Advisory Committee

The role of the Citizen Advisory Committee is to solicit public input to advise the Policy Committee and Executive Director on transportation planning issues in accordance with the adopted OahuMPO Public Participation Plan. The Citizen Advisory Committee also serves as an integral part of the OahuMPO public participation process as a means to keep citizens' groups and the public informed during the transportation planning process.[15]

As stated in the Comprehensive Agreement, the Citizen Advisory Committee must comprise members representing a broad base of interest and include representatives from non-governmental organizations, including the City's Neighborhood Boards, who have an interest in and concern with transportation issues and the development of Oahu. Citizen Advisory Committee membership must include organizations representing segments of the traditionally-underserved population. Members of the Citizen Advisory Committee currently represent the following organizations:

[15]Comprehensive Agreement, Section B.6.

1. AARP Hawaii
2. Hawaii Section of the American Planning Association
3. American Society of Civil Engineers
4. Castle and Cooke Homes Hawaii
5. Citizens for a Fair ADA Ride
6. Committee for Balanced Transportation
7. E NOA Corporation
8. Gentry Homes, LTD
9. Hawaii Association of the Blind
10. Hawaii Bicycling League
11. Hawaii Centers for Independent Living
12. Hawaii Teamsters and Allied Workers
13. Hui Kupuna VIP
14. Institute for Transportation Engineers
15. Land Use Research Foundation
16. League of Women Voters
17. Mestizo Association
18. City/County of Honolulu Neighborhood Board #1 – Hawaii Kai
19. City/County of Honolulu Neighborhood Board #2 – Kuliouou-Kalani Iki
20. City/County of Honolulu Neighborhood Board #3 – Waialae-Kahala
21. City/County of Honolulu Neighborhood Board #5 – Diamond Head-Kapahulu-St. Louis Heights
22. City/County of Honolulu Neighborhood Board #7 – Manoa
23. City/County of Honolulu Neighborhood Board #8 – McCully-Moiliili
24. City/County of Honolulu Neighborhood Board #9 – Waikiki
25. City/County of Honolulu Neighborhood Board #10 – Makiki-Lower Punchbowl-Tantalus
26. City/County of Honolulu Neighborhood Board #11 – Ala Moana-Kakaako
27. City/County of Honolulu Neighborhood Board #13 – Downtown
28. City/County of Honolulu Neighborhood Board #14 – Liliha
29. City/County of Honolulu Neighborhood Board #18 – Aliamanu-Salt Lake
30. City/County of Honolulu Neighborhood Board #21 – Pearl City
31. City/County of Honolulu Neighborhood Board #22 – Waipahu
32. City/County of Honolulu Neighborhood Board #23 – Ewa
33. City/County of Honolulu Neighborhood Board #24 – Waianae Coast
34. City/County of Honolulu Neighborhood Board #25 – Mililani-Waipio-Melemanu
35. City/County of Honolulu Neighborhood Board #26 – Wahiawa-Whitmore Village
36. City/County of Honolulu Neighborhood Board #29 – Kahaluu
37. City/County of Honolulu Neighborhood Board #34 – Makakilo-Kapolei-Honokai Hale
38. City/County of Honolulu Neighborhood Board #35 – Mililani Mauka-Launani Valley
39. City/County of Honolulu Neighborhood Board #36 – Nanakuli-Maili
40. North Shore Chamber of Commerce
41. Palehua Townhouses
42. Tax Foundation of Hawaii
43. The Pacific Resource Partnership
44. Waikiki Residents Association

OahuMPO Bylaws and Rules of Procedure

Citizen Advisory Committee Bylaws

A set of formal bylaws for the Citizen Advisory Committee was approved by the OahuMPO Policy Committee in 2009 and amended in 2011. These bylaws establish the role and purpose of the Citizen Advisory Committee, eligibility requirements for committee membership, attendance and participation requirements for members, rules and procedures for member organizations, conduct and duties of officers, conduct of business at meetings, and voting procedures.[16]

Technical Advisory Committee Rules of Procedure

Formal rules of procedure for the Technical Advisory Committee were prepared and most recently amended in 2010. These rules of procedure establish the membership of the Technical Advisory Committee, procedures for setting and requesting committee meetings, requirements for achieving quorum, conduct and duties of officers, voting procedures, and meeting minutes.[17]

Policy Committee

While a set of formal bylaws for the Citizen Advisory Committee and rules of procedure for the Technical Committee have been established, no formal bylaws or rules of procedure outside of the elements contained in the 2008 Comprehensive Agreement have been established for the OahuMPO Policy Committee.

OahuMPO Partner Agencies

The Comprehensive Agreement was made between three parties: the OahuMPO, the State of Hawaii, and the City and County of Honolulu. Beyond the Comprehensive Agreement, the OahuMPO has identified additional partner agencies that are included in the 3-C process, many of which have representation on the Policy Committee. These partner agencies include:

[16]Bylaws of the Citizen Advisory Committee for the Oahu Metropolitan Planning Organization; approved by the OahuMPO Policy Committee on January 26, 2009; amended by the OahuMPO Policy Committee on February 22, 2011.
[17]Rules of Procedure of the Oahu Metropolitan Planning Organization Technical Advisory Committee; amended January 22, 2010. The Technical Advisory Committee Rules of Procedures have not been formally approved by the Policy Committee, only by the Technical Advisory Committee.

- State agencies: Hawaii Department of Transportation (HDOT), Department of Business, Economic Development and Tourism (DBEDT), and Office of Planning (OP)
- City and County of Honolulu departments: Department of Transportation Services (DTS) and Department of Planning and Permitting (DPP)
- Honolulu Authority for Rapid Transportation (HART)[18]

Table 1 provides a cross-reference of the OahuMPO partner agencies with the members of the Policy Committee and Technical Advisory Committee.

Table 1
Comparison of Partner Agency, Policy Committee, and Technical Advisory Committee Composition

Partner Agency	Policy Committee Representative?	Technical Advisory Committee Representative?
Hawaii Department of Transportation (HDOT)	Yes –Director	Yes – Two (2) staff members
Hawaii Department of Economic Development and Tourism (DBEDT)	No	Yes – Two (2) staff members
Hawaii Office of Planning (OP)	No	Yes—Included as one of the DBEDT staff persons on the TAC
Honolulu Department of Transportation Services	Yes - Director	Yes – Two (2) staff members
Honolulu Department of Planning and Permitting (DPP)	No	Yes – Two (2) staff members
Honolulu Authority for Rapid Transit (HART)	Yes – Executive Director & CEO[19]	No

OahuMPO Required Planning Products

Through the 3-C planning process, the OahuMPO is responsible for preparing the following planning products:

[18] Honolulu Authority for Rapid Transit is considered a semi-autonomous agency, in that it operates under its own Board of Directors, but financial oversight is provided by the City and County of Honolulu.
[19] HRS 279-E has been formally amended to reflect the addition of the HART Executive Director to the Policy Committee. Such an amendment is not required by Federal law.

- **Oahu Regional Transportation Plan (ORTP)**, which is the long-range transportation plan for Oahu. The ORTP is a long-term vision plan intended to guide the investment of public funds in transportation projects on Oahu. The planning horizon for the adopted ORTP is 2035. The ORTP must contain a listing of projects and be fiscally constrained. The ORTP is updated every five years; the OahuMPO is currently in the process of developing the 2040 ORTP.[20]

- **Overall Work Program (OWP)**, which is an annual listing of transportation planning and programming activities to be undertaken by the OahuMPO in support of the ORTP during the next fiscal period. MPOs are required to document required and other activities funded under Titles 23 and 49 of the U.S. Code (U.S.C.) in the annual unified planning work program (UPWP), which is referred to as the Overall Work Program in Hawaii.[21]

- **Public Participation Plan,** which identifies the MPO's minimum process for including public participation in the transportation planning process. The public participation plan serves to provide citizens, affected public agencies, and all other interested parties a reasonable opportunity to be involved in the development of MPO plans and programs.[22]

- **Transportation Improvement Program (TIP)** is a fiscally constrained document intended to reflect the MPO's prioritization of projects identified in the adopted ORTP to be implemented for Oahu during the TIP program period.[23]

As a Transportation Management Area, the OahuMPO is also responsible for the following:

- **Preparing a Congestion Management Process (CMP),** which uses a systematic approach to identify congestion within a defined geographic area and to develop and select appropriate strategies to reduce or mitigate the impacts of congestion.[24]

- **Selection of all federally-funded projects** carried out within the boundaries of the metropolitan planning area serving a Transportation Management Area. Projects that are not carried out on the National Highway System must be selected for implementation from the approved Transportation Improvement Program by the MPO in consultation with the State and any

[20]Required under 23 U.S.C. 134(i).
[21]23 CFR 450.308.
[22]23 U.S.C. 134(i)(6).
[23]23 U.S.C. 134(j)(A).
[24]Required under 23 U.S.C. 134(k)(3).

affected public transportation operator. Projects that are carried out on the National Highway System must be selected for implementation from the State-approved Transportation Improvement Program in cooperation with the MPO.[25]

In addition to the above, many MPO's are responsible for a range of other transportation planning and programming activities, either as the lead agency or in consultation with other lead agencies. Examples of other MPO activities include sub-area and corridor studies, bicycle/pedestrian safety plans, livability, sustainability, mixed-use and complete-streets planning studies, and serving as a centralized data warehouse for traffic characteristics and demographic data.

OahuMPO Certification Process and Corrective Action

As a Transportation Management Area, the OahuMPO must be certified by the Federal government at least every four years by to ensure that the metropolitan planning process is being carried out in accordance with applicable provisions of Federal law.[26] The primary purpose of a certification review is to formalize the continuing oversight and day-to-day evaluation of the planning process and to ensure that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 are being satisfactorily implemented.[27] The certification review process also includes the opportunity to provide advice and guidance to a Transportation Management Area for enhancing the planning process and improving the quality of transportation investment decisions.

Oahu MPO Certification Review

The Federal Quadrennial Certification Review of the OahuMPO was conducted by FHWA and FTA on July 28–30, 2011. The final certification review report was transmitted by the Federal team to the OahuMPO on April 30, 2013, and was presented to the OahuMPO Policy Committee on August 14, 2013.[28]

[25] 23 U.S.C. 134(k)(4).
[26] 23 U.S.C. 134(k)(5) and 49 U.S.C. 5303(k)(5).
[27] "US DOT Transportation Management Area Planning Certification Review Primer," http://www.planning.dot.gov/Documents/Primer/intro_primer.asp.
[28] U.S. Department of Transportation Joint Certification Review of the Oahu Area Metropolitan Transportation Planning Process-Final Report, U.S. DOT, May 2013.

Findings within the certification review are shown in three categories, as follows:[29]

- **Commendations:** Elements that demonstrate innovative or exemplary procedures for implementing the planning process and could be considered a "best practice."

- **Recommendation:** Addresses technical improvements to processes and procedures that, while somewhat less substantial and not regulatory, are still significant enough that FHWA and FTA are hopeful that State and local officials will take action. The expected outcome is change that would improve the process, although there is no Federal mandate, and failure to respond could, but will not necessarily result in a more restrictive certification.

- **Corrective Action:** Indicates a serious situation that fails to meet one or more requirements of the transportation planning statute and regulations, thus seriously impacting the outcome of the overall process. The expected outcome is a change that brings the metropolitan planning process into compliance with a planning statute or regulation; failure to respond likely will result in a more restrictive certification.

The results of this Certification Review included one Commendation, seven Recommendations, and one Corrective Action. The following item requires corrective action by the OahuMPO and its partner agencies (HDOT and the City and County of Honolulu) before full certification will be granted by the US DOT to the OahuMPO:

> Transparency & 3-C Process: OahuMPO is to work with the appropriate agencies and legislative bodies to bring State statutes, local ordinances, and the Comprehensive Agreement into alignment with current Federal statute and regulations.[30]

The Federal team partially certified the OahuMPO transportation planning process with the understanding that the solutions to the Corrective Action will be addressed in a specified time frame and outlined in a federally-approved action plan. Although the recommendations are not mandatory and do not carry deadlines, the OahuMPO is expected to give serious consideration to full implementation of the recommendations.

[29]"US DOT Transportation Management Area Planning Certification Review Primer."
[30]U.S. Department of Transportation Joint Certification Review of the Oahu Area Metropolitan Transportation Planning Process-Final Report, U.S. DOT, May 2013, pg. 2.

Oahu MPO Certification Review Corrective Action Plan

The OahuMPO was granted 90 days from the date of the Federal Certification Review (May 2013) to:

1. Develop a report that addresses the corrective action.
2. Develop an implementation plan to correct the identified issues.
3. Meet with stakeholders to discuss the results of the analysis and the implementation plan and to identify next steps. Stakeholders included but were not limited to the City and County of Honolulu, the Hawaii Department of Transportation, the FHWA Hawaii Division, and FTA Region IX.

The Federal Certification Review Corrective Action Plan, dated August 15, 2013, was prepared by the OahuMPO in cooperation with its partner agencies, including HDOT, DBEDT, the City and County of Honolulu Department of Transportation Services, and the City and County of Honolulu Department of Planning and Permitting, as well as the FHWA Hawaii Division and FTA Region IX. This Corrective Action Plan outlines the necessary steps to bring the OahuMPO into full compliance with Federal regulations and also documents consideration given to the recommendations and any steps that the OahuMPO commits to undertake to implement the recommendations. The Policy Committee approved this Action Plan at its August 14, 2013, meeting and FHWA, on behalf of itself and FTA, sent a follow-up approval letter for the Plan on September 6, 2013.

The Federal Certification Review Corrective Action Plan is of particular importance within the context of the Planning Process Review. Many of the findings and outcomes of the Planning Process Review effort are anticipated to address directly or, at least, inform a number of the decisions and actions identified in Corrective Action Plan. This is especially true for those elements related to transparency and the 3-C process identified in the Corrective Action, the focus of which is to improve coordination and processes with and among the OahuMPO and its participating agencies.

Section 3: Preliminary Project Findings

Background of Initial Planning Process Review Efforts

The OahuMPO Planning Process Review Project is being conducted in two stages. The first stage consisted of the following activities:

- Review of existing conditions, including OahuMPO procedures; governing regulations; certification recommendations.
- Interviews with partner agencies and stakeholders regarding current MPO practices, their needs, and recommendations; provision of public opportunity to comment on MPO operations.
- Review of best practices of other MPOs.

The second stage of the Planning Process Review Project, which is being completed by the TOA Team, began in October 2013, and will take the findings of the early project tasks to identify the issues, challenges, and opportunities related to the OahuMPO's planning process; develop the OahuMPO vision; and prepare a series of recommendations and an implementation plan that will provide the Planning Process Strategic Plan. In preparation to complete these tasks, the TOA Team conducted additional background research and partner agency/stakeholder interviews to enhance and corroborate the findings from the early project tasks.

This section discusses the information and process used to identify the preliminary project findings that will form the framework for developing the Vision for the OahuMPO. This includes the regulatory and policy review, partner agency and stakeholder interviews, and a review of MPO best practices.

Regulatory and Policy Review

Federal Designation of a Metropolitan Planning Organization

An MPO is designated through a two step-process. First, it must be determined through the U.S. Census Bureau that the population of the designated urbanized area exceeds the 50,000 population threshold[31] (or 200,000 population threshold for a Transportation Management Area[32]). Once the urbanized area is

[31] 23 U.S.C. 134(d)(1).
[32] 23 U.S.C. 134(k)(1)(a).

designated, an agreement between the Governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as determined by the U.S. Census Bureau) or in accordance with procedures established by applicable state or local law.[33] A Transportation Management Area may be designated for any additional area at the request of the Governor and the MPO.[34]

Locally, the OahuMPO was created in 1975 following designation by the Governor through the passage of HRS 279E.

There is no Federal statute requiring state enabling legislation. Instead, Federal statutes identify the Governor as the responsible party for designating the MPO.[35] Other MPOs have been formed this way without intervention of state law.

Federal Statutes Concerning Metropolitan Planning

MAP-21, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141), was signed into law by President Obama on July 6, 2012, while the initial project tasks for the Planning Process Review were ongoing. MAP-21 is the first long-term highway authorization enacted since 2005 and provides funding surface transportation programs of more than $105 billion for fiscal years 2013 and 2014.

MAP-21 is a milestone for the U.S. economy and the nation's surface transportation program because it creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies first established under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Establishing a performance- and outcome-based program requires states to invest financial resources in projects that collectively will make progress toward achieving national multimodal transportation goals.

MAP-21 contains many changes to Federal statutes concerning metropolitan planning and has been codified into 23 U.S.C. 134. Therefore, the organization, processes, procedures, and work products of the OahuMPO must be consistent with the provisions of 23 U.S.C. 134.

[33] 23 U.S.C. 134(d)(A)&(B).
[34] 23 U.S.C. 134k)(1)(b).
[35] 23 U.S.C. 134(d)(1).

Regulatory and Policy Review Findings

Given the changes that occurred to metropolitan transportation planning as result of MAP-21, the TOA Team undertook an extensive review of 23 U.S.C. 134 in comparison to State and local regulations concerning the OahuMPO. The most critical issue emerging from this review is the conflict between the Federal Statute (23 U.S.C. 134) and the State of Hawaii Statute (HRS 279E) concerning metropolitan planning organizations. The other issues, in terms of defining the role of the OahuMPO and building consensus on that role with the partner agencies, will be difficult if not impossible to address if the State statutes continue to conflict with Federal statutes concerning the role and responsibilities of the OahuMPO. To identify these conflicts, a comparison of 23 U.S.C. 134; HRS 279E; the City and County of Honolulu Ordinance Chapter 4, Article 2: Oahu Metropolitan Planning Organization; and the 2008 Comprehensive Agreement was made and is documented in Appendix A.

The conflicts identified in the comparison table in Appendix A are further substantiated by recent letters from FHWA addressed to the OahuMPO Policy Committee Chair and from FHWA and FTA addressed to the HDOT Executive Director. In these letters, FHWA and FTA clearly state that specific aspects of HRS 279E are in conflict with 23 U.S.C. 134. These letters also discuss FHWA's and FTA's position on key points concerning the role of the OahuMPO in the transportation planning process on Oahu. Copies of these letters are provided in Appendix B

Conflicts between Federal Metropolitan Transportation Planning Requirements and HRS 279E

Based on the regulatory review documented in Appendix A and key points from the FHWA/FTA letters documented in Appendix B, the following key points concerning the conflict between 23 U.S.C. 134 and HRS 279E have been identified:

- Major modifications to Federal transportation planning law occurred between 1991 and 2012, which significantly changed the roles and duties required of MPOs and state DOTs.[36] HRS 279E has not been repealed or updated to reflect changes in metropolitan planning required under MAP-21.

- By law, the MPO Board is the decision maker on the use of federal-aid transportation funds in metropolitan planning areas. The federal transportation planning statute does not position the

[36] B. Harimoto letter, Item 1. See Appendix B.

MPOs as advisors as does HRS 279E. The MPO Board (Policy Committee) is the decision-making authority, not just an advisory committee.[38]

The MPO role is to provide the 3-C (comprehensive, cooperative and continuing) transportation planning process for the metropolitan planning area. In doing this, the MPO is to consult and cooperate with appropriate State and local transportation planning agencies, as well as those affected by transportation. This includes identifying projects and strategies through a performance-based approach that considers and uses the eight national planning factors identified in MAP-21.[39] Further, MPOs are neither expected nor required to be subordinate to State transportation agencies or their required planning products.[40]

- MPO Board representation for a Transportation Management Area MPO is required to include local elected officials, transportation officials within the MPO boundaries, and appropriate State officials (i.e., State officials within local communities of the MPO boundary). The current Policy Committee membership, as allowed under HRS 279E, has at least one State-level elected representative from another island seated as a voting member for transportation planning issues within the OahuMPO boundary.[41]

- The Federal statutes clearly define MPO responsibilities, including Transportation Management Area MPOs, for development of the Long Range Transportation Plan, the Transportation Improvement Program, and the Congestion Management Process. Further, MPOs are required to document these and other planning activities in their annual unified planning work program (referred to as the Overall Work Program in Hawaii). HRS 279E does not accurately reflect these roles and provisions.[42]

- Transportation Management Area MPOs select multimodal projects and set priorities from the approved Transportation Improvement Program for the non-state National Highway System roads and other City/County functionally-classified roads. HRS 279E and local Honolulu statutes place the MPO in the position of merely assembling a list of projects from HDOT- and City/County-approved projects, regardless of whether they are the priorities of the OahuMPO.[43]

[38] B. Harimoto letter, Item 2; December 16, 2013, letter to Mr. Glenn Okimoto, Ph.D., Hawaii Department of Transportation Executive Director, from FHWA/FTA, Item 1. See Appendix B.
[39] 23 U.S.C. 134(h)(1)
[40] B. Harimoto letter, Item 3; G. Okimoto, letter, Items 2 and 5. See Appendix B.
[41] B. Harimoto letter, Item 4. See Appendix B.
[42] B. Harimoto letter, Item 5; G. Okimoto, letter, Item 4. See Appendix B.
[43] B. Harimoto letter, Item 6; G. Okimoto, letter, Item 3. See Appendix B.

What Needs to Change from a Regulatory Perspective?

The single most important issue is the need to update State statutes and City and County of Honolulu ordinances to reference 23 U.S.C. 134 and eliminate all inconsistencies with current Federal metropolitan transportation planning requirements, as indicated above. A complete legal review and comparison of Federal regulations, State statutes, local ordinances, and the Comprehensive Agreement has been identified as the first step in the Corrective Action Plan for addressing the corrective action received during the most recent certification review.[44]

Failure to repeal or modify HRS 279E could jeopardize certification of the OahuMPO. Decertification of the OahuMPO by FHWA and FTA would delay, reduce, and/or eliminate the flow of Federal transportation funds to Oahu.

Partner Agency and Stakeholder Interviews

A series of partner agency and stakeholder interviews was conducted to develop an understanding of how effective the OahuMPO is perceived to be by its partner agencies and key stakeholders in achieving its mission and identifying strengths and weaknesses in its processes and procedures. In this effort, representatives of the following agencies, partners, and stakeholders were interviewed:

- OahuMPO Policy Committee Chair
- HDOT Director and Senior Management staff
- DBEDT, State Office of Planning
- City and County of Honolulu Department of Transportation Services
- City and County of Honolulu Department of Planning and Permitting
- HART
- FHWA
- FTA
- FAA

These interviews provided the opportunities for participants to speak freely and candidly about a range of topics, including but not limited to the mission, structure, and leadership of the OahuMPO, the transportation planning process, resources, relationships with partner agencies, public outreach, and

[44]OahuMPO Federal Certification Review Corrective Action Plan, prepared by the Oahu MPO, August 15, 2013.

others. Many detailed comments were compiled during these interviews, from which the following summations are made:

- There is a broad range of confusion as to what the 3-C process is and the role and purpose of the OahuMPO as an organization in carrying out the 3-C process.

- There is confusion or disagreement as to the role and purpose of the Policy Committee, leading to a lack of empowerment or authority of the Policy Committee to operate in the capacity as the decision-making authority for the use of Federal funding for transportation planning on Oahu. This sentiment appears to stem from the language in HRS 279E that the OahuMPO is to serve primarily as an *advisory body* responsible for carrying out the 3-C process in cooperation with the State and appropriate County,[45] the historical context in which the OahuMPO has been operating, and a lack of overall knowledge about how the OahuMPO should be functioning. During the interviews, the Policy Committee was repeatedly described as a "rubber stamp" of transportation planning decisions already made by the partner agencies.

- Challenges exist in that there have historically been only two levels of jurisdictional responsibility for the surface transportation system within the OahuMPO's planning boundary—HDOT and the City and County of Honolulu. In 2011, a third party was added when HART began operations as a semi-autonomous agency to oversee the planning, construction, operation and extension of the rail system. This is unlike the majority of mainland MPOs that oversee transportation planning for a region that may consist of one or more counties, multiple municipalities, and other autonomous or semi-autonomous agencies.

- The current organizational structure of the OahuMPO may not be best suited to meet the needs of the organization, its partner agencies, or the public.

- There is confusion or disagreement as to the purpose and function of the Technical Advisory Committee and Citizen Advisory Committee and the role that each should play in the metropolitan planning process.

- Fundamental decision-making elements are missing to help the OahuMPO operate efficiently, such as bylaws, standard meeting times, attendance requirements, and use of information from other committees.

[45] HRS 279E-2.

- The OahuMPO Policy Committee does not serve as the decision-maker for the use of Federal metropolitan planning funds on Oahu in the capacity as intended by Federal statute.[46]
    - There are communication issues between the OahuMPO and its partner agencies; between the Policy Committee, Technical Advisory Committee, and Citizen Advisory Committee; and, to some degree, internal to the OahuMPO. These communication issues seem to stem largely from the confusion or disagreement as to the role and purpose of the OahuMPO.

- There is an overall lack of transparency in the overall decision-making process, in part because there is not a defined technical process for selection and prioritization of projects to receive federal funding.

- There is confusion as to the role that public input should play in the transportation planning process and how the public input should flow and be used between the OahuMPO and the partner agencies.

- There is inherent disconnect between transportation and land use planning on Oahu.

- The role of multimodal planning on Oahu, in particular related to bicycle and pedestrian modes, has not been clearly defined.

- There is no centralized data warehouse that the OahuMPO and its partner agencies can use as a resource for regional-level data specific to Oahu.

- The organization and operation of the partner agencies (i.e., operating in "silos") impacts the 3-C process on Oahu.

Review of MPO Best Practices

During the initial phase of the Planning Process Review, a series of interviews with other MPOs was conducted to determine the "best practices" these agencies engage in as part of the metropolitan planning process that could be considered by the OahuMPO as part of the Planning Process Review. OahuMPO staff completed this effort independently, working with FHWA to identify peer agencies that

[46] 23 CFR 420.109 Planning and Research Program Administration for PL funds as cited by FHWA in G. Okimoto, letter, page 3, footnote 18. See Appendix B.

had characteristics and challenges similar to those of OahuMPO. In determining the peer MPOs to select, consideration was given to the relative size of the population served, if it was a Transportation Management Association, the level of staffing, and other characteristics recommended by FHWA.

Seven peer MPOs were selected and interviewed:

1. Butte County Association of Governments (BCAG) (Butte County, CA)
2. Community Planning Association of Southwestern Idaho (COMPASS)
3. Kern Council of Governments (Bakersfield, CA)
4. Portland Metro (Portland, OR)
5. Pima Association of Governments (PAG) (Tucson, AZ)
6. Shasta Regional Transportation Agency (SRTA) (Redding, CA)
7. State of Rhode Island – Division of Planning

Collectively, the TOA Team has worked with and for more than 60 MPOs throughout the United States. Throughout the Planning Process Review, best practices and examples from these and other MPOs with which the TOA Team is familiar will be drawn upon as examples for best practice considerations for the following topics:

- MPO organizational structure
- MPO Policy Board and Advisory Committees
- Communication with partner agencies, stakeholders, and the public
- MPO staffing needs
- Administrative processes and programs
- Project selection and prioritization process
- Performance measures
- Long Range Transportation Plan
- Transportation Improvement Program
- Public Participation Plan
- Congestion Management Process
- Data management

As the draft Vision for the OahuMPO is developed, findings from the above peer MPOs as well as other MPOs nationwide will be considered and included in the review and evaluation process, as appropriate.

Summary of Preliminary Project Findings

The preliminary project findings are a summary of the critical and key issues, challenges, and opportunities that the TOA Team has identified to be addressed by the Planning Process Review. These findings are based on the background review, regulatory and policy review, partner agency and stakeholder interviews, and review of MPO best practices. As discussed, there is one critical issue and five other key issues identified.

Critical Issue: Address conflicts between Federal statutes and State legislation/local ordinances.

A. **HRS 279E must be repealed or updated to reflect the requirements of MAP-21.** Major modifications to Federal transportation planning law occurred between 1991 and 2012, which significantly changed the roles and duties required of MPOs and state DOTs.

B. **HRS 279E must be repealed or revised to clearly define the role of the Policy Committee as the decision-maker on metropolitan transportation planning, not advisors.** By law, the MPO Board is the decision-maker on the use of Federal-aid transportation funds in metropolitan planning areas. The Policy Committee is the decision-making authority, not just an advisory committee. Per HRS 279E-2, planning functions/jurisdictions essentially remain with HDOT and the City/County of Honolulu and the OahuMPO is to incorporate priorities of State and City/County plans and projects into the OahuMPO's coordinated plan. Projects must be approved by HDOT prior to being submitted to City for approval.

C. **The MPO's role is to facilitate the 3-C transportation planning process for the metropolitan planning area**. In doing this, the Policy Committee, supported by OahuMPO staff, is to consult and cooperate with appropriate State and local transportation planning agencies, as well as those affected by transportation. This includes identifying projects and strategies through a performance-based approach that considers and uses the eight national planning factors identified in MAP-21, as well as locally identified goals and objectives. Further, MPO Policy Boards are neither expected nor required to be subordinate to State transportation agencies or their required planning products.[47]

D. **HRS 279E must be repealed or revised to distinguish the additional requirements and responsibilities of a Transportation Management Area MPO from an MPO whose planning**

[47] G. Okimoto, letter, Item 2. See Appendix B.

jurisdiction is not designated as such. HRS 279E will govern the establishment of both the OahuMPO, which is designated a Transportation Management Area, and the newly-formed Maui MPO, which is not designated a Transportation Management Area.

E. **Federal statutes clearly define MPO responsibilities, including Transportation Management Area MPOs for development of the Long Range Transportation Plan, the Transportation Improvement Program, and the Congestion Management Process.** Further, MPOs are required to document these and other planning activities in their annual unified planning work program (Overall Work Program in Hawaii). HRS 279E does not accurately reflect these roles and provisions.

F. **Transportation Management Area MPOs select multimodal projects and set priorities from the approved Transportation Improvement Program for the non-state National Highway System roads and other city/county functionally-classified roads.** HRS 279E and local City and County of Honolulu statutes seem to place the OahuMPO in a role of merely assembling a list of projects from HDOT and City/County-approved projects, regardless of whether they are the priorities of the OahuMPO.

Key Issue #1: Ensure continuation of funding for metropolitan planning on Oahu.

A. **The Overall Work Program must be funded to continue metropolitan planning activities on Oahu.** At time of this writing, the OahuMPO's FY 2014 Overall Work Program funds have not been released by HDOT, the State agency under which the OahuMPO is assigned for administrative purposes.[48] The Overall Work Program is the OahuMPO's operational budget that is supported by 80 percent Federal planning funds, with the remaining 20 percent expected to be locally matched by the OahuMPO's partner agencies.[49] While the OahuMPO is currently operating on funding reserves, it is critical for Federal funds to be released to the OahuMPO so that the continuation of metropolitan planning on Oahu can occur.

B. **The OahuMPO must remain in compliance to ensure that it and its partner agencies do not lose Federal funding (i.e., FTA, FHWA, grant funding).** The Corrective Action received during the most recent Federal certification review must be addressed to ensure that the OahuMPO is brought into full compliance with Federal regulations, thereby mitigating potential loss of future

[48] HRS 279E-1.
[49] 23 CFR 420.103 as noted on page 4 of the December 16, 2013, letter from FHWA/FTA to Mr. Glenn Okimoto, Director, HDOT (see Appendix B).

Federal funding for metropolitan planning on Oahu as a result of not addressing the Corrective Action or not adhering to Federal statutes and regulations regarding the metropolitan planning process.

<u>Key Issue #2</u>: Clearly define the role of the MPO as the decision-maker, consistent with Federal statutes.

A. **The OahuMPO's role as the decision-maker on the use of Federal-aid transportation funds must be more clearly defined.** Repealing or amending HRS 279E is necessary to empower the decision-making authority of the Policy Committee and the relationship of the MPO to its partner agencies. This includes the authority of the Policy Committee to select/prioritize federally-funded multimodal transportation from the approved Transportation Improvement Program for non-National Highway System roads and other City/County functionally-classified roads.

B. **Performance measures need to be clearly established to meet the requirement of 23 US 134(h) and support the transportation decision-making process.** This includes establishing a process for tracking progress towards attainment of critical outcomes for the metropolitan planning area that are coordinated with the State and public transportation providers, to the maximum extent practicable, consistent with 23 U.S.C. 134(h).

C. **The role of the OahuMPO concerning multimodal transportation planning projects must be more clearly defined.** Planning for surface multimodal transportation projects includes addressing bicycle, pedestrian, transit, freight and goods movement, safety, and access to intermodal facilities, major activity centers, and national parks. It is the experience of the TOA Team that MPOs lead/coordinate projects in these areas, which is not being done on Oahu in a coordinated process under or through the OahuMPO. The role of the OahuMPO in regards to multimodal transportation planning projects should be clearly defined.

D. **Changes to the organizational structure of the MPO as an agency may need to occur to better support the role of the OahuMPO as the decision-maker on Oahu for the use of Federal-aid transportation funds.** Currently, the OahuMPO falls administratively under HDOT. The ideal operating structure for the OahuMPO may be under a different State agency for administrative purposes or as an independent organization, since the operation, efficiency and effectiveness of the OahuMPO is the direct responsibility of the Policy Committee. HRS 279E-5 states that the MPO must have a full-time staff independent of State and County agencies, recognizing the importance of some level of autonomy between the MPO and State/local agencies.

Key Issue #3: Address issues related to Policy Committee Membership and Committees.

Policy Committee

A. **The membership of the Policy Committee must be evaluated to ensure that it is structured to effectively carry out the vision/mission of the OahuMPO and to meet the requirement of US 23 134(d)(2).** Policy Committee membership should be evaluated to ensure that it is optimally structured to effectively carry out the vision/mission of the OahuMPO and the 3-C process and that it meets the requirement of US 23 134(d)(2). Representation by all partner agencies, including DBEDT and the Hawaii Office of Planning, or other agencies/departments necessary to carry out the vision/mission of the OahuMPO, should be considered.[50] Under HRS 279E, the Policy Committee may include members of State legislature who do not live on/represent Oahu. There is currently one voting Policy Committee member from another island, conflicting with the Federal requirement of appropriate State official representation.[51]

B. **Fundamental decision-making elements should be put in place to support the functionality of the Policy Committee.** The Policy Committee can be effective in their role only if they routinely have a quorum at meetings so that appropriate decisions can be made on agenda items requiring action. Of the nine Policy Committee meetings scheduled in 2013, three were canceled due to a quorum of the Policy Committee not being present.[52] The Policy Committee does not operate under any formal bylaws such as those adopted by the Policy Committee for the Citizens Advisory Committee. Adoption of bylaws, including attendance requirements, could serve to ensure that better attendance of members at Policy Committee meetings is achieved. In addition, empowering the Policy Committee members so they understand their important role in the transportation decision-making process is an important component of this process.

C. **Renaming the OahuMPO Policy Committee as the "OahuMPO Policy Board" could serve to further strengthen its purpose and role.** Federal statutes refer to the MPO as a "policy board" to enforce decision-making power made through the 3-C process. Reference to a "Policy Board" also would further distinguish it from other MPO committees whose roles are more advisory in nature.[53]

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[50] As shown in Table 1, DBEDT and the Hawaii Office of Planning are identified by the OahuMPO as partner agencies but do not include representation on the Policy Committee.
[51] B. Harimoto letter, Item 4 (MPO Organization: Designation and Membership).
[52] OahuMPO Policy Committee meeting attendance records, provided by OahuMPO.
[53] 23 USC 134(b)(2).

D. **Regularly-scheduled meetings of the OahuMPO Policy Committee and the Technical Advisory Committee should occur, and agenda materials should be posted to the MPO website at least one week in advance.** All MPOs with which the TOA Team has been involved have regularly scheduled meetings (e.g., 9:00 AM on the first Tuesday of every month)**.** Regularly-scheduled meetings help to ensure accountability by committee members and provide predictability for staff, partner agencies, and public.

E. **The duration of the period of time that the Policy Committee Chair holds his/her position (one year) should be reviewed to ensure that the Chair can most effectively serve the Policy Committee.** Currently, the Policy Committee Chair is elected annually and rotates between the members of the State legislature and the legislative body of the City and County of Honolulu. Given the depth of knowledge and understanding necessary to chair a Policy Board such that it optimally functions in its decision-making capacity, a two-year term for the position of Policy Committee Chair may provide more leadership stability.

F. **The purpose and make-up of the Executive Committee should be reviewed to ensure that it is effectively serving the Policy Committee.** The Executive Committee must consist of the Policy Committee Chair and Vice Chair, the Director of HDOT, and the Director of the City and County of Honolulu Department of Transportation Services.[54] As structured, the Executive Committee does not include representation from public transportation operators or Federal partners. Further, a quorum can be achieved without the Policy Committee Chair being present.

Technical Advisory Committee

G. **The membership and role of the Technical Advisory Committee must be evaluated to ensure that it is structured to effectively carry out the vision/mission of the OahuMPO and support the Policy Committee.** It appears in practice and in sentiment that members of the TAC are not empowered to advise the Policy Committee on technical issues, but must rather defer to the decisions of their respective agencies. The role of the Technical Advisory Committee in the metropolitan planning process and its relationship to the Policy Committee must be better defined. Membership of the Technical Advisory Committee should be concurrently evaluated to ensure that it is optimally structured to effectively carry out the vision/mission of the OahuMPO.

[54] 2008 Comprehensive Agreement, B.3.

For example, under MAP-21, public transportation operators should be included on the Technical Advisory Committee.[55]

H. **Similar to the Policy Committee, fundamental decision-making elements should be put in place to support the functionality of the Technical Advisory Committee.** Adoption of bylaws, set meeting times, receipt of meeting materials well in advance of the meeting, etc. could serve to make the process more predictable, make Technical Advisory Committee members more accountable, and empower members to understand their important role in the transportation decision-making process as an important component of this process. It appears in practice and in sentiment that members of the TAC are not empowered to advise the Policy Committee on technical issues, but rather defer to the decisions of their respective agencies.

Citizens Advisory Committee

I. **The role of the Citizens Advisory Committee must be evaluated to ensure that it is structured to effectively carry out the vision/mission of the OahuMPO and support the Policy Committee.** Membership of the Citizens Advisory Committee is diverse, representing a number of organizations and associations. The Citizens Advisory Committee is governed by a set of bylaws adopted by the Policy Committee. The role and purpose of the Citizens Advisory Committee does not seem to be agreed upon by Policy Committee members and partner agencies and other stakeholders.

Other Committees/Working Groups

J. **Other advisory committees or working groups may be needed to help the Policy Committee in support of the vision/mission of the OahuMPO.** It is the experience of the TOA Team that most MPOs have advisory committees in addition to the Technical and Citizens Advisory Committees. Most often, there is also a Bicycle/Pedestrian Committee to balance out the multimodal perspective for the MPO Board. The formation of other advisory committees (maintenance and operations, freight advisory, environmental issues, etc.) should be considered as the OahuMPO Vision is formed. On a project basis, formal working groups may be established to further support the OahuMPO Vision, as was done during the 2035 Oahu Regional Transportation Plan when a Citizens Advisory Committee working group was established to assist with the Public Outreach Plan.

[55] 23 U.S.C 134(a)(2) and 23 U.S.C 134(d)(2)(b)

Communication among the Policy Committee, Advisory Committees, and Executive Director

K. **Communication barriers among the Policy Committee, the advisory committees, and the OahuMPO Executive Director and staff must be addressed.** Based on input from stakeholders and partner agencies and review of the OahuMPO processes, there appear to be several layers of communication barriers between the Policy Committee, the advisory committees, and the OahuMPO Executive Director and staff. More clearly defining the role of each party will help to establish appropriate processes and procedures to allow for better communication among all parties involved in the metropolitan planning process. Communication between the Policy Committee, advisory committees, OahuMPO Executive Director, and OahuMPO staff is critical to the overall function of the OahuMPO and the extent to which the OahuMPO Vision is successfully carried out. Consideration should be given to allowing for more interaction among these parties at meetings (e.g., regularly-scheduled status reports by advisory committees and the Executive Director to the Policy Committee, periodic joint meetings, etc.).

Key Issue #4: Address issues related to OahuMPO work products.

Public Participation Plan

A. **Based on input from stakeholders and partner agencies and review of the OahuMPO processes, public input must be better integrated into and more effectively used during the transportation planning process.** To address this issue, outcomes of the Planning Process Review should address the following questions:

- How can public input and questions from the public be addressed by partner agencies?
- Will the current process work better if the OahuMPO is allowed to act under the authority granted to MPOs by Federal statute regarding the project selection and prioritization process?
- How can a broader cross-section of the community be involved in the transportation planning process?
- How can information be more easily accessible by the public?
- How can Policy Committee networks be more effectively used?
- How can the MPO products and plans be elevated so as to be seen as "products of the public"?

- How can the foundation of the OahuMPO's public participation process extend beyond the CAC? Per the MPO's website, "the CAC is the foundation of the MPO's public involvement process."

<u>Oahu Regional Transportation Plan (ORTP)</u>

B. **While the basic federal requirements to develop the Oahu Regional Transportation Plan are met,[56] there appears to be a disconnect between the technical analysis process and public input aspects of the Oahu Regional Transportation Plan and list of projects ultimately included in the plan.** This issue relates back to there being no clearly defined technical process for the Policy Committee to prioritize and select non-National Highway System projects for inclusion in the Oahu Regional Transportation or programming in the Transportation Improvement Program. The current process for prioritizing projects in the Oahu Regional Transportation Plan will likely work as intended if the role of the Policy Committee is defined to be a decision-making body, rather than an advisory body. The process used to develop the Oahu Regional Transportation Plan must be developed through a performance-based approach[57] and should ensure appropriate use of public input (see Key Issue 4.A above) to allow for projects that reflect the goals and objectives of the community as vetted through the metropolitan planning process.

<u>Congestion Management Process</u>

C. **OahuMPO's current Congestion Management Process provides basic information on highway congestion and uses the Oahu regional travel demand model to estimate transit mode split.** To enhance the Congestion Management Process (CMP) to be of more value to the transportation planning, the following concepts should be integrated into its development:

1. Transportation Demand Management
2. System management improvements
3. Intelligent Transportation System (ITS) improvements
4. Short-term cost-effective safety and operational improvements
5. Alternative mode improvements for bike, pedestrian, and transit
6. CMP strategies and processes that result in interim improvements that buy time before capacity and other alternative mode improvements can be made

[56] 23 U.S.C. 34(i)
[57] 23 U.S.C. 34(c)(1)

7. Better integration between projects identified by the CMP to those identified in the Oahu Regional Transportation Plan and programmed in the Transportation Improvement Program.

Transportation Improvement Program (TIP)

D. Based on input from stakeholders and partner agencies and review of the OahuMPO processes, there is a lack of a formal project selection and prioritization technical process for developing the Transportation Improvement Program. The current process essentially involves the partner agencies supplying the OahuMPO staff with a list of projects to be approved by the Policy Committee. During the interview process, many stakeholders commented that the function of the Policy Committee is to provide a "rubber stamp" of approval on the provided project list rather than lead the development of the project list through the 3-C process. To address this issue, outcomes of the Planning Process Review should address the following questions:

- How can the disconnect between the technical analysis and the project list be addressed? Will the MPO's current process work better if the MPO has more authority over the project selection and prioritization process?
- How can accountability for meeting goals or performance measures be improved?
- How can timeliness of participating agencies be improved?
- What should the role of public input be in the TIP development process?
- What should the CAC role be during the development of projects, the prioritization process, and approval by the CAC?
- How can commitment of local match for projects be confirmed/retained?

Overall Work Program

E. **The Overall Work Program is the operating budget for the OahuMPO and identifies planning activities to be undertaken during the next fiscal period. Based on input from stakeholders and partner agencies and review of the OahuMPO processes, outcomes of the Planning Process Review should address the following questions:**

- How can timeliness of participating agencies in developing the Overall Work Program be improved?

- What should be the role of public input/Citizens Advisory Committee during the project selection and prioritization process?
- How can the commitment of local matching funds for projects be confirmed and retained?

<u>Other Considerations for Visioning</u>

F. **Based on input from stakeholders and partner agencies and review of the OahuMPO processes, other considerations for the Planning Process Review were identified, leading to the following questions:**

- How can coordination between transportation and land use planning be improved?
- How can land use planning be integrated into the performance measures of the OahuMPO?
- Is a centralized data warehouse needed to meet performance-based planning requirements?
- How can coordination with utility plans/projects be improved to improve transportation system efficiency and reduce maintenance costs?
- What is the MPO's role regarding non-surface transportation planning. Should that role be expanded?
- How should agency coordination and evaluation of air quality issues be addressed?
- How are bicycle, pedestrian and transit safety and accessibility evaluated?
- Should the MPO have a stronger role in:
  - Transit planning
  - Transit-oriented development planning
  - Smart growth and its relationship to economic development and revenue enhancement
  - Building consensus on alternative funding sources to fund and maintain illustrative projects
  - Freight and goods movement, including coordination with freight stakeholders
  - Sustainable, livable, and healthy communities initiatives

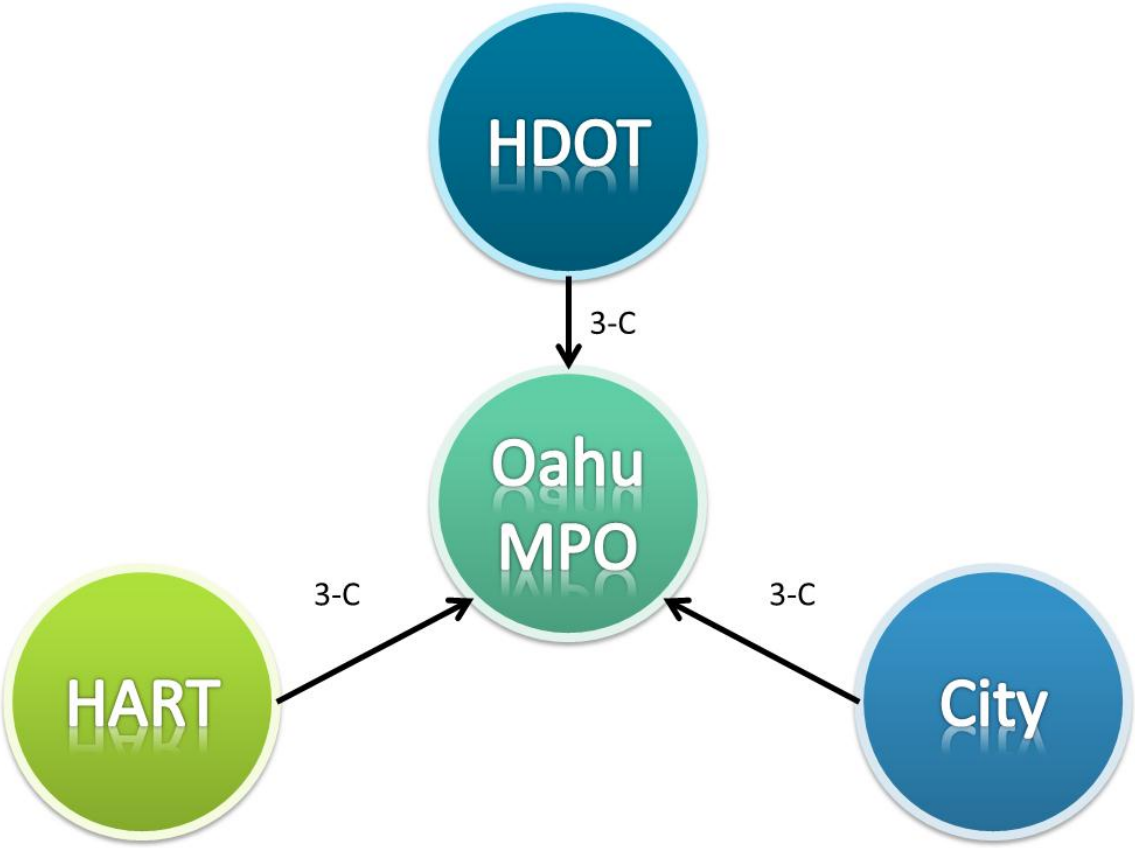
<u>Key Issue #5</u>: Address issues related to OahuMPO Staffing.

A. **A key outcome of the Planning Process Review will be to evaluate the staffing needs of the OahuMPO.** This includes evaluating the role and administrative authority of the OahuMPO Executive Director and identifying additional staff needs or modifications to the existing

organizational structure to implement the recommendations of the Planning Process strategic Plan.

As documented by the critical/key issues above, it is apparent that the 3-C process for metropolitan planning on Oahu is not currently being undertaken as intended or required by Federal statute and regulation. The underlying cause of these issues appears to be the misconception by its partner agencies of how the OahuMPO is supposed to function and how information flows in a one-way direction from each individual agency to the OahuMPO. Under the current process, which is illustrated in Figure 1, individual agencies make decisions and relay those decisions to the OahuMPO. This process forces partner agencies to take a defensive position to safeguard their priorities and decisions against the OahuMPO, which is viewed as a third party.

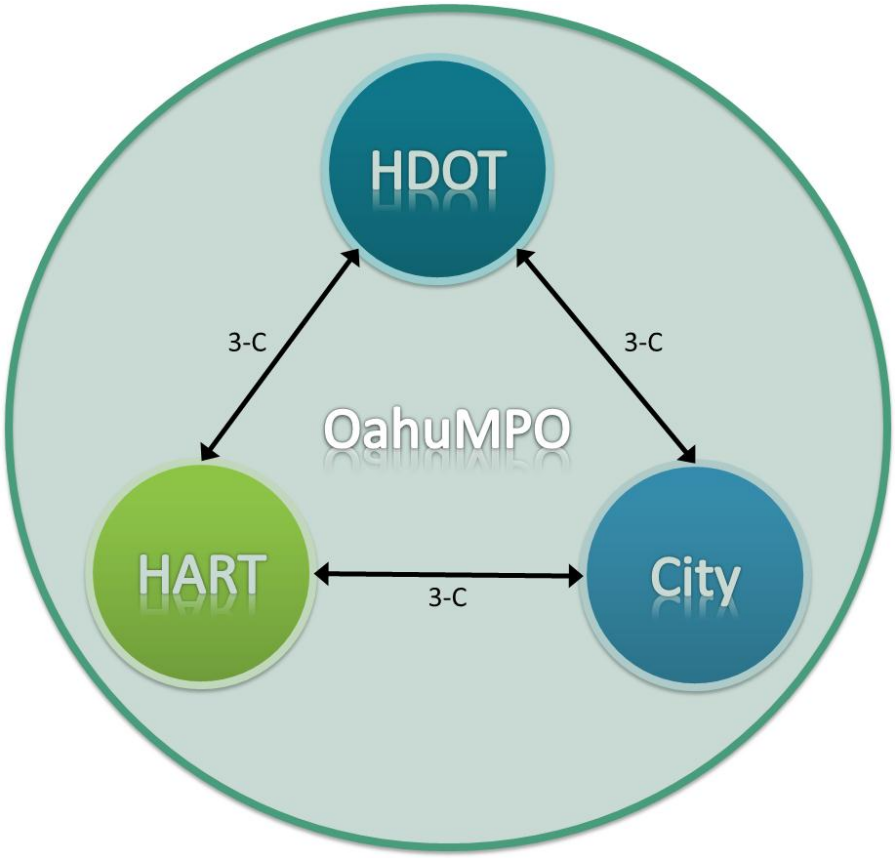
Figure 1:
The Role of OahuMPO in the Current Process



In this world-view, each agency will continue to make their own decisions and simply provide those decisions to the OahuMPO, which functions to essentially collect and compile project lists. The OahuMPO then functions to "rubber-stamp" decisions that have already been made by other agencies. In this system, the 3-C process only applies between the individual agencies and the OahuMPO, so if the OahuMPO does not accept the decisions of an individual agency it is viewed as not being "cooperative" and in violation of the 3-C process. However, functioning under this model does not address the intent or requirements of Federal statute and regulations.

Figure 2 illustrates how the 3-C process for metropolitan planning is intended to work. Under this model, the OahuMPO is not viewed as the "other" agency, but rather treated as the collective since the 3-C process is meant to apply between agencies and decisions are made collectively, not on an individual basis.

Figure 2:
Role of Oahu MPO in the 3-C Process



Section 4: Next Steps

Development of the OahuMPO Vision

Step 2 in the Planning Process Review effort is to develop a Vision for the OahuMPO that will address the critical and key issues identified in the previous section by:

- Meeting all applicable Federal requirements and responsibilities pertaining to MPOs and TMAs.
- Creating a more efficient and effective metropolitan planning process.
- Substantiating the role of the OahuMPO in transportation planning on Oahu.
- Addressing the corrective action and recommendations identified in the most recent Federal Certification Review.
- Facilitating coordination with partner agencies.
- Addressing identified challenges and opportunities.

Following completion of the background review, partner agency/stakeholder interviews, and review of MPO best practices, an intensive visioning brainstorm exercise was completed by the TOA Team, the OahuMPO Executive Director, and the OahuMPO Project Manager. The purpose of this exercise was to identify a range of concepts to address the critical/key issues that were identified and can be referred to as the OahuMPO Vision is developed. The results of the visioning brainstorm exercise are outlined in Appendix C. This outline is preliminary in nature and serves to illustrate the range of concepts being considered during the next steps in the Planning Process Review, but it should not be viewed as an inclusive list or as project recommendations.

As the OahuMPO Vision is developed, there will be opportunity for discussion, feedback, and consensus-building by the partner agencies and other stakeholders. Input received will be reviewed, documented, and incorporated, as appropriate, into a refined Vision.

As the final product, the Planning Process Review Strategic Plan will include an implementation plan and timeframe. As such, the vision brainstorm exercise also identified the potential timing of each concept, including short-term (less than 6 months), mid-term (6 months to 2 years), and long-term (2 years to 5 years).

Appendix A: Federal, State, and Local Regulatory Comparison Table

Purpose - Authorities - Purview

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
MPO Purpose and Definition						
23 U.S.C. 134(a)	Policy. - It is in the national interest - (1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between states and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and (2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).	HRS 279E-1	The purpose of this statute is to designate an MPO to act as an advisory urban transportation planning organization and to receive certain funds for the purpose of carrying out continuing, comprehensive, cooperative urban transportation planning. This MPO will be primarily an advisory body to the legislature and the legislative body of an appropriate county in affairs involving the continuous, comprehensive, cooperative urban transportation planning in the county. This chapter is designed to provide the mechanism by which orderly and reasoned urban transportation planning can take place within the framework of Federal law and the need to provide for adequate and informed representation from both the state and county governments and the public at large.	Comprehensive Agreement, October 23, 2008, C.1	The Metropolitan Transportation Planning Process is an open and continuing collaborative process based upon the application of multi-disciplinary technical expertise to identify and address the transportation issues, needs, and concerns of the community.	The State statute refers to the MPO as an "advisory" organization, which is a term not used in Federal Statute. The term "advisory" contradicts the Federal definition, which states that the MPO is to carry out a "continuing, cooperative, and comprehensive multimodal transportation planning process," per 23 U.S.C. 134(c)(3). Using the 3-C process, MPOs have the responsibility to consider projects and strategies that support the eight national planning factors listed in 23U.S.C. 134(h)(1) using a performance-based approach required as per 23 U.S.C. 134 (h)(2). **General Note: 279E, HRS has not been updated to reflect changes to 23 U.S.C. 134 made under MAP-21.**

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
23 U.S.C. 134(b)(2)	MPO means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.	HRS 279E-1	The MPO must be designed to prevent the type of situation that led to the decertification of the OTPP; it must have its own coordinating staff independent of either state or county agencies; it must be accessible and accountable to the public; and it must provide for public input.			See section of table titled "MPO Board Composition and Operation."
MPO Purview						
23 U.S.C. 134(h)(1)	The metropolitan transportation planning process will: (A) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; (B) Increase the safety of the transportation system for motorized and non-motorized users; (C) Increase the security of the transportation system for motorized and non-motorized users; (D) Increase accessibility and mobility of people and freight; (E) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns; (F) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight; (G) Promote efficient system management and operation; and (H) Emphasize the preservation of the existing transportation system.	HRS 279E-1	The MPO, will, using input from appropriate State and City agencies, coordinate and develop a prospectus and a unified planning work program, a transportation plan and a transportation improvement program including an annual element of projects recommended for funding in order to provide this advice to legislative and government agencies.	Comprehensive Agreement, October 23, 2008, C.1	The OahuMPO shall develop the transportation plans, programs, planning processes, and policies as required by the appropriate federal regulations. It may adopt procedures and enter into or concur with inter-agency agreements and understandings regarding agency responsibilities in order to facilitate the development and application of these plans, programs, planning processes, and policies. The jurisdictional responsibilities for areas of basic technical support are identified in Table 1 attached hereto and made a part hereof.	The State statute refers to the MPO as an "advisory" organization which is a term not used in Federal Statute. The term "advisory" contradicts the Federal definition, which states that the MPO is to carry out a "continuing, cooperative, and comprehensive multimodal transportation planning process," per 23 U.S.C. 134(c)(3). Using the 3-C process, MPOs have the responsibility to consider projects and strategies that support the eight national planning factors listed in 23 U.S.C. 134(h)(1) using a performance-based approach required as per 23 U.S.C. 134 (h)(2).
		HRS 279E-2	The MPO shall be an advisory body responsible for carrying out a continuing, comprehensive, transportation planning process in cooperation with the State and the appropriate County in order to advise appropriate State, County, and Federal agencies regarding that process.	Comprehensive Agreement, October 23, 2008, C.1	The OahuMPO shall coordinate its programs with those of the City and with the Statewide Transportation Planning Process. It shall cooperate with the State Department of Transportation when matters affecting Oahu are involved.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
23 U.S.C. 134(c)	General Requirements – (1) Development of long-range plans and tips. - To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State. (2) Contents. - The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States. (3) Process of development. - The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.	HRS 279E-2	The MPO shall further assist and advise the State legislature; the State department of transportation; the State department of business, economic development, and tourism; the office of planning; the legislative body of the appropriate county; and the transportation and planning agencies of the appropriate county in carrying out comprehensive metropolitan transportation planning embracing airports, bikeways, harbors, highways, transit and waterways within the appropriate county. The MPO shall assist and advise such appropriate agencies in evaluating studies and programs related to transportation planning.	Comprehensive Agreement, October 23, 2008, D.4	The OahuMPO shall cooperate and consult with the Operator and the State in other transportation planning matters that affect Oahu's transportation system. The OahuMPO may establish guidelines to ensure that planning work products reasonably expected to impact the ORTP, TIP, or OWP are prepared in accordance with the requirements of the Metropolitan Transportation Planning Process. Such planning work products include, but are not limited to, area transportation master plans, modal/facility master plans, management systems, and transportation enhancement programs.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
		HRS 279E-7	The functions of each MPO shall include:	Comprehensive Agreement, October 23, 2008, C.2	The OahuMPO's functions shall include the following:	
			(1) Serve in an advisory capacity to the legislature, the legislative body of the county, and the appropriate state and county agencies in carrying out continuous, comprehensive and cooperative transportation planning and programming for the county as required by federal laws and rules.		(a) Serve in an advisory capacity to the State Legislature, the City Council, and the appropriate State and City agencies in carrying out cooperative, comprehensive, and continuing transportation planning and programming for Oahu.	
			(2) Obtain information and plans from the appropriate County and State agencies to formulate a short-range six-year transportation plan for the county and an annual update of that plan, and a master multimodal long-range transportation plan for the county in order to advise the legislature, the legislative body of the county, and other appropriate agencies regarding those plans.		(b) Obtain information and plans from the City and State agencies to formulate a master, multimodal, long-range transportation plan for Oahu in order to advise the legislature, the City Council, and other appropriate agencies regarding those plans.	
			(3) Review the capital improvement programs of both the county and State for urbanized and rural areas of the county as they concern transportation.		(c) Review the capital improvement programs of both the City and the State for urbanized and rural areas of Oahu as they concern transportation.	
			(4) Integrate transportation planning for the county with a statewide transportation planning program authorized by Act 218, Session Laws of Hawaii		(d) Cooperate and Coordinate with the State Department of Transportation in the statewide transportation planning process.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
			1974.			
		HRS 279E-7	(5) Develop recommendations to the State legislature and the legislative body of the county regarding transportation policy matters.	Comprehensive Agreement, October 23, 2008, C.2	(e) Develop recommendations to the State Legislature and the City Council regarding transportation policy matters.	
			(6) Act as liaison with the intermodal planning group of the Secretary of Transportation.		(f) Act as liaison with the Intermodal Planning Group of the Secretary of Transportation.	
			(7) Coordinate the mathematical modeling essential to the transportation planning process of the county.		(g) Coordinate the mathematical modeling essential to the Metropolitan Transportation Planning Process of Oahu.	
			(8) Ensure a continuing, comprehensive transportation planning process carried on cooperatively by the State and the county.		(h) Ensure that a comprehensive and continuing transportation planning process is carried on cooperatively by the State and City.	
			(9) Develop a formula for the distribution of metropolitan planning funds which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs, and submit this formula for approval by the Secretary of Transportation.		(i) Receive, expend, and distribute, as necessary: (1) Federal funds to carry out the provisions of the appropriate federal highway and transit regulations; and (2) Such other funds as may become available to support metropolitan transportation planning.	
			(10) Receive and distribute, as necessary, federal funds under Section 112 of the Federal-Aid Highway Act of 1973, the Urban Mass Transportation Act of 1964, as amended, Section 13 of the Airport and Airway Development Act of 1970, as amended, and Section 5 of the		(j) Advise on plans, projects, and programs requiring action by the State Legislature and/or City Council which have been submitted to the OahuMPO for review.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
			Urban Mass Transportation Act of 1964, as amended.			
		HRS 279E-7	(11) Receive and distribute, as necessary, such other funds as may become available to support metropolitan transportation.	Comprehensive Agreement, October 23, 2008, C.2	(k) Coordinate the development and integration of intelligent transportation system (ITS) to be consistent with the national architecture for ITS and comply with the appropriate federal guidelines and regulations.	
			(12) Advise on plans, projects and programs requiring action by the State legislature or the legislative body of the county which have been submitted for review to the MPO.		(l) Integrate the congestion management process as part of the Metropolitan Planning Process and comply with the appropriate federal guidelines and regulations.	
			(13) Undertake such other functions as may become appropriate in an advisory capacity to ensure a joint planning process between the county and the State, and advise appropriate legislative bodies and agencies, as necessary.		(m) Undertake such other functions as may become appropriate in an advisory capacity to ensure a joint planning process between the City and the State, and advise appropriate legislative bodies and agencies, as necessary.	
			(14) If the MPO finds that it is necessary to have a citizens' advisory group to present technical or other expert opinions or facts to the MPO then such a group may be formed.			
				Comprehensive Agreement, October 23, 2008, Table 1	The OahuMPO has jurisdiction over the following:	
					(1) Data update and maintenance for traffic and travel patterns	
					(2) Technical documents: ORTP, OWP, and TIP	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					(3) Models: transportation forecasting	
					(4) Management systems: congestion management process	
					(5) ITS	
					Specifically excluded from the OahuMPO's jurisdiction:	
					(1) Data update and maintenance for population forecasting; population allocation of forecasted totals; socioeconomic, demographic; land use; air quality; highway system/facilities; transit system/facilities; airport/harbor facilities; and bicycle/pedestrian/ enhancement facilities	
					(2) Technical documents: Honolulu general and development plans; statewide transportation plan; STIP; harbors master plan; airports master plan; and local area plans	
					(3) Models: land use, econometric, and population	
					(4) Management systems: management systems	
Division of Responsibilities						
23 U.S.C. 134(d)(B)	The MPO shall be designated in accordance with the procedures established by applicable State or local law	HRS 279E-2	The MPO shall recognize that all of its activities shall be primarily advisory, and that the policymaking powers shall remain with the legislature or the legislative body of the appropriate county, whichever the case may be. The MPO is to develop and recommend policies, priorities, and techniques relating to transportation planning, and	City and County of Honolulu Ordinance 4-2.2	Officers and department heads of the City and County of Honolulu shall cooperate, in a timely and satisfactory manner, with the Oahu MPO and provide whatever pertinent or necessary report, information or data required or requested by the Oahu MPO in the preparation and updating of the Oahu regional transportation plan, short-range transit plan and other planning documents required under federal law or regulation	The State statute refers to the MPO as an "advisory" organization, which is a term not used in Federal Statute. The term "advisory" contradicts the Federal regulations that state that the MPO is to carry out a "continuing, cooperative, and comprehensive multimodal transportation

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
			shall be directly accountable to the legislature and the legislative body of the county as an advisory body.			planning process."
23 U.S.C. 134 (h)(2)	The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision making.	HRS 279E-2	Nothing in this law is intended to change the basic jurisdiction for planning responsibilities already given to the state and county agencies in existing statutes and ordinances. Those state and county agencies are to cooperate with the MPO by providing input from their present planning processes and the MPO will advise those agencies by way of submitting to them the coordinated plan which it develops.	City and County of Honolulu Ordinance 4-2.2	All projects for which the department of transportation services or planning department desires assistance under the Urban Mass Transportation Act of 1964, the Federal Aid Highway Act of 1973, or other any Federal act, program or regulations involving or affecting the Oahu MPO shall be initiated by submission of the proposed project to the city council for its prior approval. Upon approval by the council, the project description, along with all required accompanying data, shall be forwarded to the Oahu MPO for appropriate review and action. Only proposed projects approved by the department of transportation services shall be submitted to the council. The director of transportation services shall coordinate the submission to the council of projects proposed by the department of transportation services and planning department. The director of transportation services shall forward proposed projects approved by the council to the Oahu MPO.	Under State and local law, the MPO has no authority to approve or prioritize projects - projects must be approved by HDOT before being submitted to City for approval. The City then approves the priority projects and forwards them to the MPO. Under 23 U.S.C. 134(j)(5); 23 U.S.C. (k)(4)(a) the MPO is to serves as decision-maker on the use of federal transportation funds in metropolitan planning areas, including the prioritized list of projects
		HRS 279E-1	In transportation, the state government has responsibility for such normally local government programs as airports, bikeways, harbors and waterways. The State is generally responsible for providing highway facilities that	City and County of Honolulu Ordinance 4-2.4	The department of transportation services and planning department shall be responsible for their respective general work elements as established by the participating agencies of the Oahu MPO.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
			facilitate inter-community transportation, with the counties primarily responsible for local intra-community streets and roads. As a result, the State has by design a major portion of the responsibility for transportation in each county, and more importantly for that part of the transportation network most closely related to and impacting on planning in general and transportation planning in particular.			
		HRS 279E-1	In short, the State has responsibility for most of the major transportation facilities and projects on Oahu and any designation of an MPO must take this into account. Designation of an MPO that does not provide for significant state participation simply does not recognize the existing delineation of state and county functions relating to transportation in Hawaii.			Preamble seems to recognize the conflict between Federal regulations and State Law and define early on the State's role in the MPO decision-making process.
		HRS 279E-7	Officers and department heads of the City and County of Honolulu shall cooperate, in a timely and satisfactory manner, with the Oahu MPO and provide whatever pertinent or necessary report, information or data required or requested by the Oahu MPO in the preparation and updating of the			

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
			Oahu regional transportation plan, short-range transit plan and other planning documents required under federal law or regulation.			

Designation & Boundaries

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
MPO Designation						
23 U.S.C. 134(d)	(1) In general. - To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals -(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or (B) in accordance with procedures established by applicable State or local law.	HRS 279E-2	There is established in each county with a population in excess of 200,000 a metropolitan planning organization called the Metropolitan Planning Organization, abbreviated by the letters MPO.			279E does not seem to allow the formation of an MPO when the 50,000 population threshold is met, only allowing the designation of an MPO when the metropolitan planning area also meets the threshold of a TMA.
MPO Boundaries						
23 U.S.C. 134(e)	The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. Each MPA (A) shall encompass at least the existing urbanized area and the contiguous area expected to become					

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
	urbanized within a 20-year forecast period for the transportation plan; and (B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.					

Board – Staff – Committees

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
MPO Board Composition and Operation						
23 U.S.C. 134(d)(2)	Not later than two years after the date of enactment of MAP-21, each MPO that serves an area designated as a TMA shall consist of (A) local elected officials; (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation of providers of public transportation; and (C) appropriate State officials.	HRS 279E-3	The MPO shall consist of a policy committee and appropriate staff. The policy committee shall consist of thirteen members: five members of the legislative body of the appropriate county; three members of the state senate (chair of transportation committee and two residents of the county); three members of the house of representatives (chair of transportation committee and two residents of the county); one member who shall be the director of transportation; and one member who shall be the director of the appropriate county department assigned primary responsibility for transportation planning.	Comprehensive Agreement, October 23, 2008, B	The Policy Committee shall have five members of the City Council: (1) who shall be appointed by the Chairperson of the City Council; (2) at least three of whom shall be members of the Council standing committee having primary responsibility for transportation issues. The other members are the same as indicated in Hawaii Revised Statutes, Chapter 279E.	The State and local regulations get more and more specific about the Board composition. While 23 U.S.C.(d)(2)(C) allows for the inclusion of appropriate State officials, there is question that the State officials who are included on the OahuMPO Policy Committee do not meet the intent of Federal Statute as they ma y serve on the Policy Committee but not represent/reside in the metropolitan planning area. 279E HRS does not reflect updates to 23 U.S.C. 134 made under MAP-21 requiring representation of public

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
						transportation (though HART Representative has been added to Policy Committee).
		HRS 279E-4	The MPO policy committee shall elect annually a chairperson on a rotating basis between the members of the state legislature and the legislative body of the appropriate county.	Comprehensive Agreement, October 23, 2008, B.2	The members of the Policy Committee shall elect annually a Chair and Vice Chair on a rotating basis between members of the State legislature and the city council. If the Chair is from the State legislature, then the Vice Chair shall be from the city council and vice versa. In the event of the disability or absence of the Chair, the Vice Chair shall act on behalf of the Chair.	
				Comprehensive Agreement, October 23, 2008, B.2	The Chair shall be responsible for the establishment of the Policy Committee's meeting agenda. The Chair shall place on the agenda for full hearing any issue, project, or subject matter relating to transportation which is requested by at least three members of the OahuMPO Policy Committee or by its Executive Committee. Any written request for matters to be placed on the agenda from any governmental agency should be directed to the Chair, with copies distributed to the Executive Committee. The Chair shall be authorized to execute all documents approved by the Policy Committee.	279E HRS does not reflect updates made under MAP-21 requiring representation of public transportation (though HART Representative has been added to Policy Committee).
				Comprehensive Agreement, October 23, 2008, B.4	When the Policy Committee makes any decision, there shall be at least six members of the Policy Committee present, of whom at least three shall be	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					from the State and at least three shall be from the City. Decisions will be made by a majority vote of the members present.	
				City and County of Honolulu Ordinance 4-2.4	The mayor's appointee to the Policy Committee of the Oahu MPO shall represent the interests of the department of transportation services and planning department. If the expressed interests of the departments are incompatible on an issue, the mayor's appointee shall take the action on the issue which, in the appointee's judgment, is in the best, overall interest of the city.	
				City and County of Honolulu Ordinance 4-2.5	If the mayor's appointee is the director of transportation services or chief planning officer, the appointee shall solicit the advice and recommendations of the other officer; or if the mayor's appointee is not the director of transportation services or chief planning officer, the appointee shall solicit the advice and recommendations of both officers.	
				Comprehensive Agreement, October 23, 2008, B.1	The Policy Committee shall provide the policy direction for the Oahu MPO. It shall appoint all members of the Oahu MPO staff. Support services for the Policy Committee shall be provided by the independent Oahu MPO staff.	
MPO Executive Committee						
				Comprehensive Agreement, October 23, 2008, B.3	The Executive Committee shall consist of OahuMPO's Policy Committee Chair, its Vice Chair, the director of the State Department of Transportation, and the Director of the city department with primary responsibility for transportation planning. The presence of two Executive Committee members shall constitute a	The local regulations add an Executive Committee which lacks representation from public transit agencies. Quorum can be made without Policy Committee Chair or Vice-Chair

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					quorum provided that (a) at least one City and one State Executive Committee member is present; and (b) at least one is either a State legislator or a City Council member.	present.
				Comprehensive Agreement, October 23, 2008, B.3	The Executive Committee may assist the Chair in setting the agenda and make recommendations to the Policy Committee regarding policy direction and personnel actions.	
MPO Staff						
		HRS 279E-5	Each MPO shall have a full-time staff independent of state and county agencies.	Comprehensive Agreement, October 23, 2008, B.7	The OahuMPO shall have an Executive Director who shall be responsible for the conduct and administration of the cooperative, comprehensive, and continuing Metropolitan Transportation Planning Process. The State Department of Transportation shall act as the fiscal agent of the OahuMPO. The Executive Director shall be responsible for all matters of administration, implementation of policy, project direction, and coordination as directed by the Policy Committee.	Executive Director is responsible for the conduct and administration, but cannot appoint MPO Staff?
				Comprehensive Agreement, October 23, 2008, B.7	The Executive Director and OahuMPO staff shall be appointed by the Policy Committee.	
MPO Committees						
		HRS 279E-7	(14) If the MPO finds that it is necessary to have a citizens' advisory group to present technical or other expert opinions or facts to the MPO then such a group may be formed.	Comprehensive Agreement, October 23, 2008, B.5	The OahuMPO shall have a Technical Advisory Committee (TAC) to advise the Policy Committee and the Executive Director on technical matters. The members of the TAC shall be (a) two staff members from the State Department of Transportation; two	HART does not have formal representation on TAC

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					staff members from the State Department of Business, Economic Development, and Tourism (one of whom shall be a staff member from the office of Planning); two staff members from the City Department of Transportation; two staff members form the City Department of Planning and Permitting; The Managing Director (non-voting member) of the Hawaii Transportation Association; a faculty member (non-voting member) of the University of Hawaii with background in transportation or city planning; and one staff representative each (non-voting member) from the Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration. TAC staff members from the City and State transportation and planning agencies shall be designated by the Director of their respective agencies. The faculty member from the University of Hawaii shall be appointed annually by the Policy Committee Chair.	
				Comprehensive Agreement, October 23, 2008, B.5	The TAC is to be an integral part of the OahuMPO' s collaborative process. The efforts of the TAC will be directed toward ensuring technical competence in the Metropolitan Transportation Planning Process and making recommendations regarding the designation of specific agency responsibilities for the technical items noted in Table 1.	
				Comprehensive Agreement, October 23,	The TAC shall meet as frequently as necessary and shall assist the OahuMPO in the OahuMPO's decision-	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
				2008, B.5	making process by providing advice on technical matters, including without limitation, the technical items noted in Table 1.	
				Comprehensive Agreement, October 23, 2008, B.6	The OahuMPO shall have a Citizen Advisory Committee (CAC) through which it can solicit public input to advise the Policy Committee and the Executive Director. The CAC shall be broadly based and consist of representatives from non-governmental organizations, including the City's Neighborhood Boards, having an interest in and concern with transportation issues and the development of Oahu. CAC membership shall include organizations representing segments of the population traditionally underserved by existing transportation systems. Members of the CAC shall be appointed and removed by the Policy Committee. Membership shall be reviewed and updated annually. The Policy Committee may adopt bylaws to govern the CAC.	
				Comprehensive Agreement, October 23, 2008, B.6	The CAC shall advise the Policy Committee and Executive Director on transportation planning issues in accordance with the adopted public participation plan as it may be amended from time to time. The CAC shall be an integral part of the OahuMPO public participation process and shall serve as a means of keeping citizens' groups and the public informed of the aims and progress of the 3-C Metropolitan Transportation Planning Process.	

The Planning Program

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
Unified Planning Work Program/ Overall Work Program						
23 CRF 450.308	Develop Unified Planning Work Program (UPWP) which documents, for a one- or two-year period, the MPO's planning work (who, schedule, resulting products, proposed funding source, and funding amounts. The UPWP is the MPO's operational budget supported by 80 percent federal planning funds for which a local match of 20 percent is expected from the MPO's local agency partners.			Comprehensive Agreement, October 23, 2008, D.2	The independent OahuMPO staff, in cooperation with the State and the City agencies, shall develop an Overall Work Program (OWP) that describes the transportation and transportation-related planning activities anticipated on Oahu during the next fiscal period. It shall document the transportation planning activities to be funded under the appropriate federal regulations. The OahuMPO's participating agencies shall be responsible for their respective work elements in the OWP, complete each work element as a discrete produce, and provide the required documentation identified by the OahuMPO to ensure proper grant management and oversight. Upon approval by the Policy Committee, the OWP shall be transmitted to the State Department of Transportation and the Federal Highway and Transit Administrations for appropriate action.	
23 CRF 450.308	MPO may use funds from 23 U.S.C. 104(f); 49 U.S.C. 5305(d), 5307, & 5339; Optional funding includes 23 U.S.C. 104(b)(1), 104(b)(3), & 105. MPOs with populations over 200,000, may use 23 U.S.C. 133(d)(3)€.	HRS 279E-7	(9) Develop a formula for the distribution of metropolitan planning funds which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs, and submit this formula for approval by the Secretary of Transportation.	Comprehensive Agreement, October 23, 2008, B.8	The funding of the OahuMPO shall be identified in the Overall Work Program (OWP) which is submitted by the OahuMPO with the cooperation of the participating State and City agencies and in accordance with the guidelines of the Federal Intermodal Planning Group. It shall be the responsibility of the OahuMPO and the participating State and City agencies to seek the necessary Federal, State, and City planning funds to carry out the Metropolitan Transportation Planning Process. The	Does not recognize new funding allocation requirements from MAP-21.

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					State and City shall share equally in the local funding necessary or required to maintain a viable and certifiable cooperative, comprehensive, and continuing Metropolitan Transportation Planning Process; provided that, in the case of those work elements which have been included in the OWP for the purpose of enabling modal agencies to perform their legally mandated planning responsibilities, the sharing of the costs of those elements shall be by agreement among the modal agencies involved.	
		HRS 279E-7	(10) Receive and distribute, as necessary, federal funds under Section 112 of the Federal-Aid Highway Act of 1973, the Urban Mass Transportation Act of 1964, as amended, Section 13 of the Airport and Airway Development Act of 1970, as amended, and Section 5 of the Urban Mass Transportation Act of 1964, as amended.			
		HRS 279E-7	(11) Receive and distribute, as necessary, such other funds as may become available to support metropolitan planning.			
				Comprehensive Agreement, October 23, 2008, C.2	(i) Receive, expend, and distribute, as necessary: (1) Federal funds to carry out the provisions of the appropriate federal highway and transit regulations; and (2) Such other funds as may become available to support metropolitan transportation planning.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
Metropolitan Transportation Plan						
23 U.S.C. 134(i)	Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection, highlights of which include: --Must be updated at least every four years --Must identify multimodal transportation facilities --Must consider the factors in 23 U.S.C. 134(h) --Must include a description of the performances measures and targets used in the assessment of the transportation system --Must include a system performance report --Discuss potential mitigation activities undertaken --Be developed in consultation with appropriate agencies --Include a financial plan --Identify operational and management strategies to improve the performance of existing transportation facilities **--This is not an inclusive description. Detailed required contents of the transportation plan can be found in 23 U.S.C. 134(i)**			Comprehensive Agreement, October 23, 2008, D.1	The independent OahuMPO staff, in cooperation with the State and the City agencies, shall develop an Oahu Regional Transportation Plan (ORTP) that includes at least a twenty-year planning horizon. The ORTP shall include both long-range and short-range regional strategies/actions that lead to the development of an integrated intermodal transportation system that facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand. The ORTP shall be a dynamic document with a scheduled review and update, at least once every five years, and with unscheduled revisions, as appropriate. The independent OahuMPO staff, State agencies, and City agencies shall validate data used in preparing other existing modal plans for providing input to the ORTP; and shall cooperatively develop estimates of funds that are reasonably expected to be available to support ORTP implementation. The ORTP, its revisions, and updates shall be approved by the Policy Committee. It shall be submitted for informational purposes to the Governor and provided to the Federal Highway and Transit Administrations. The Policy Committee may adopt guidelines and procedures to facilitate development and administration of the ORTP. The ORTP shall comply with the appropriate implementing federal regulations.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
23 U.S.C. 134(c)	MPOs, in cooperation with the State and public transportation operators, shall develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.					Performance-based approach not discussed in 279E or the Comprehensive Agreement
Transportation Improvement Program						
23 U.S.C. 134(j)	(A) In general. - In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that - (i) contains projects consistent with the current metropolitan transportation plan; (ii) reflects the investment priorities established in the current metropolitan transportation plan; and (iii) once implemented, is designed to make progress toward **--This is not an inclusive description. Detailed required contents of the TIP can be found in 23 U.S.C. 134(j)**			Comprehensive Agreement, October 23, 2008, D.3	The independent OahuMPO staff, in cooperation with the State and the City agencies, shall develop a TIP that reflects the Policy Committee's prioritization and selection of federally-assisted transportation programs and projects to be implemented for Oahu during the TIP program period. The TIP shall be: (1) financially constrained, recognizing that programmed revenues and project costs are estimates; and (2) consistent with the ORTP. The TIP shall comply with the appropriate implementing federal regulations. The OahuMPO and the State and City agencies shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation. The TIP shall cover a period of four years, and a new TIP will be adopted every three years. The State and City implementing agencies for TIP programs and projects shall coordinate project proposals with the appropriate permitting and resource agencies, as necessary, in accordance with applicable inter-agency agreements. The TIP shall be prepared in conjunction with the Statewide Transportation Improvement Program (STIP). Upon approval by the Policy Committee, the	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
					TIP, together with all revisions, shall be transmitted to the Governor for approval and incorporation as the Oahu element of the STIP. The OahuMPO and the State and City agencies shall cooperatively develop semi-annual status reports of progress toward TIP project implementation. On an annual basis, at the end of the program year, the OahuMPO and the State and City agencies shall cooperatively develop a listing of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which federal funds were obligated in the preceding program year. The listing shall include all federally-funded projects authorized or revised to increase obligations in the preceding program year. The Policy Committee may adopt TIP development and revision guidelines and procedures to ensure: (1) cooperation with the appropriate permitting and resource agencies, (2) coordination with the STIP, (3) opportunities for public participation, (4) consistency with the ORTP, and (5) compliance with applicable federal requirements.	
23 U.S.C. 134(c)	MPOs, in cooperation with the State and public transportation operators, shall develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.			Comprehensive Agreement, October 23, 2008, Table 1	(2) Technical documents: ORTP, OWP, and TIP	Performance-based approach not discussed in 279E or the Comprehensive Agreement
Congestion Management Process						
23 U.S.C.	In general. - Within a metropolitan planning area serving a transportation			Comprehensive Agreement,	(l) Integrate the congestion management process as part of the Metropolitan	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
134(k)(3)	management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.--**This is not an inclusive description. Detailed required contents of the congestion management process can be found in 23 U.S.C. 134(k)**.			October 23, 2008, C.2	Planning Process and comply with the appropriate federal guidelines and regulations.	
Public Participation						
23 U.S.C. 134(i)(6)	(A) In general. - Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.(B) Contents of participation plan. - A participation plan -(i) shall be developed in consultation with all interested parties; and (ii) shall	HRS 279E-6	Public notice of MPO policy committee meetings shall be given at least forty-eight hours in advance and the meetings shall be open to the public.	Comprehensive Agreement, October 23, 2008, C.1	The early and ongoing involvement of the public is an integral part of this process; the Policy Committee will adopt a Public Participation Plan in support of this policy.	

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
	provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan. (C) Methods. - In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable - (i) hold any public meetings at convenient and accessible locations and times; (ii) employ visualization techniques to describe plans; and (iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).					
Certification						
23 U.S.C. 134(k)(5)	An MPO shall certify every four years that the metropolitan planning process is being carried out in accordance with all applicable provisions of Federal law. If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.			Comprehensive Agreement, October 23, 2008, E.1	The OahuMPO and the State shall certify, at least every four years, to FHWA and FTA that the Metropolitan Transportation Planning Process is addressing the major issues facing the metropolitan planning area and is being conducted in accordance with all applicable federal requirements.	Specific to MPO designated as a Transportation Management Area

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
Transportation Management Areas						
23 U.S.C. 134(k)(1)	Identification and designation. - (A) Required identification. - The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals. (B) Designations on request. - The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.					The OahuMPO is designated as a TMA.
23 U.S.C. 134(k)(2)	(2) Transportation plans. - In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.					
23 U.S.C. 134(k)(3)	Congestion management process.					See section of table titled "Congestion Management Process."
23 U.S.C. 134(k)(4)	Section of Projects: In general. - All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected					

Federal		State		Local		Notes
Citation	Language	Citation	Language	Citation	Language	
	for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator. (B) National highway system projects. - Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State.					
23 U.S.C. 134(k)(5)	Certification.					See section of table titled "Certification"

Appendix B: FHWA Letters Concerning the Metropolitan Planning Process on Oahu

U.S. Department of Transportation
Federal Highway Administration

Hawaii Federal-Aid Division

300 Ala Moana Blvd, Rm 3-306
Box 50206
Honolulu, Hawaii 96850
Phone: (808) 541-2700
Fax: (808) 541-2704

December 16, 2013

In Reply Refer To:
HDA-HI

Mr. Breene Harimoto
OahuMPO Policy Committee Chair
707 Richards Street #202
Honolulu, HI 96813

Subject: Review of MPO Laws as related to Hawaii Revised Statute 279E

Dear Mr. Harimoto:

The following is our response to your letter dated September 3, 2013, requesting the Federal Highway Administration's (FHWA) guidance and interpretation regarding certain sections of Hawaii Revised Statute Chapter 279E-Metropolitan Planning Organization (HRS 279E[1] [*see Attachment 1*]). Your nine bullets requested clarification on the following major areas of HRS 279E:

1. Relationship of HRS 279E to current Federal Statute (23 U.S.C. 134 [*See Attachment 2.*])
2. Role of the Metropolitan Planning Organization (MPO) and its functional capacity
3. Scope of the planning process (role of the MPO and its relation to other State agencies and programs)
4. MPO organization: Designation and Membership
5. MPO-TMA Products
6. Funding

1. Relationship of HRS 279E to Federal Statute (23 U.S.C. 134)

Overall, we find that HRS 279E has not been updated to reflect changes in federal law concerning metropolitan planning organizations in the past years. The *Moving Ahead for Progress in the 21st Century Act of 2012* (MAP-21)[2] is the most recently enacted law concerning transportation planning (metropolitan and statewide). Major alterations to federal transportation planning law over the last 22 years (1981-2012[3]) changed the roles and duties required of the metropolitan planning organizations and states. Because HRS 279E does not reflect nor support the required federal metropolitan

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[1] Hawaii Revised Statute Chapter 279E-Metropolitan Planning Organization accessed 10/8/2013. http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0279E/HRS_0279E-.htm

[2] P.L. 112-141, enacted July 6, 2012

[3] Federal Authorization Acts 1981-2013:

- *Federal-Aid Highway Act of 1981* ([P.L. 97-134])
- *Surface Transportation and Uniform Relocation Assistance Act of 1987* (STURRA [P.L. 100-17])
- *Intermodal Surface Transportation Efficiency Act of 1991* (ISTEA [P.L. 102-240])
- *National Highway System Designation Act of 1995* (NHS Act [P.L. 104-59])
- *Transportation Equity Act for the 21st Century of 1998* (TEA-21 [P.L. 105-178])
- *Safe, Affordable, Flexible, Efficient Transportation Equity Act–A Legacy for Users Act of 2005* (SAFETEA-LU [P.L. 111-68])
- *Moving Ahead for Progress in the 21st Century Act of 2012* (MAP-21 [P.L. 112-141])

transportation planning processes, we recommend a revision of the state statute to reflect 23 U.S.C. 134 Metropolitan Planning: the scope of required processes, practices, and responsibilities of MPOs therein. The updated Hawaii statute could refer to the requirements in 23 U.S.C. 134 and its implementing regulations at 23 CFR 450.300 et seq. as the official guiding law and add other language appropriate for Hawaii State legal needs including any conflict in the law to be construed in favor of federal law.

[OahuMPO questions: 1, 9d]

2. Role of the MPO and its functional capacity

The federal transportation planning statute does not position MPOs as advisors. By law, the MPO is the decision maker on the use of federal-aid transportation funds in metropolitan planning areas[4]. The MPO is the Policy Board[5]. MPO staff, including the executive director, support and provide technical resources to the Policy Board. Decisions made by the Policy Board are a result of consultation, cooperation, coordination, and consideration[6] as directed by federal statute[7] and regulation with the MPO's state and local agency partners, and with interested parties. HRS 279E needs to be updated to reflect this.

[OahuMPO questions: 2, 6, 9a, 9f]

3. Scope of the planning process (role of the MPO and its relation to other State agencies and programs)

The United States Department of Transportation (USDOT) policy relative to the metropolitan planning process is "to encourage and promote the safe and efficient management, operation, and development of surface transportation systems."[8] While the state and local systems and facilities owners and operators are responsible for the management and operations of these systems, the MPO role is to provide the 3-C (comprehensive, cooperative, and continuing[9]) transportation planning process for the metropolitan planning area. This scope requires MPOs to consider projects and strategies that support the eight national planning factors using a performance-based approach[10]. This includes the MPO responsibility to develop a multi-modal long range transportation plan, a congestion management process, and a transportation improvement program (TIP)[11] in consultation and cooperation with appropriate state and local transportation and planning agencies, as well as those affected by transportation[12]. All of this is accomplished as a result of the MPO's consulting, cooperating, coordinating, and considering the plans and planning activities of others as they affect metropolitan transportation planning and it to their processes.

HRS 279E does not reflect these roles and provisions.

[OahuMPO questions: 3. 4, 7, 9e]

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[4] 23 U.S.C. (j)(5), 23 U.S.C. (k)(4)(a)

[5] 23 U.S.C. 134 (b)(2) Metropolitan planning organization - The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d). In Hawaii, the MPO Policy Board is called the Policy Committee.

[6] 23 CFR 450.100 - definitions

[7] 23 U.S.C. 134 (g) (3) MPO Consultation in Plan and TIP Coordination - Relationship with other planning officials.

[8] 23 U.S.C. 134 (a) Policy

[9] 23 U.S.C. (c)(3); 23 CFR 450.300(a)

[10] 23 U.S.C. 134 (h)-Scope of Planning Process

[11] 23 U.S.C. 134 (c) - General Requirements

[12] 23 U.S.C. 135 (g)-MPO Consultation in Plan and TIP Coordination

4. MPO organization: Designation and Membership

23 U.S.C. 134 (d) states: "To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals--." [13] Further, 23 U.S.C. 134 (k) states that each urban area over 200,000 individuals shall be designated as a Transportation Management Area (TMA). MPOs and TMAs are two different concepts with different requirements. However, as presently written, HRS 279E allows only for the creation of TMA MPOs with a population of 200,000 or more, such as OahuMPO. This is in conflict with federal law.

Title 23 U.S.C. 134 (d)(2) describes the structure of the MPO serving as a TMA (as OahuPMO is) and makes[14] clear that Policy Board membership is to be made up of representatives of the local elected officials, transportation officials within the MPO and *appropriate* state officials. By the term "appropriate" to modify state officials is understood to mean those in the transportation community representing state agencies, such as the Hawaii Department of Transportation (HDOT) and state-level elected officials representing the local community. We note that HRS 279E was amended in the last legislative session to include a representative of HART (provider of public transportation[15]) on the Policy Board as required. However, the current OahuMPO Policy Committee membership, as is allowed under HRS 279E-2, has at least one state-level elected representative from another island seated as a voting member, which conflicts with the federal requirement of appropriate state official representation.

HRS 279E does not appropriately reflect these requirements.

[OahuMPO questions: 5, 8]

5. MPO-TMA Products

Title 23 U.S.C. 134 outlines the roles and responsibilities of MPOs, and in detail those of MPOs serving as TMAs like OahuMPO. The specific sections are:

- 23 U.S.C. 134 (g) – MPO Consultation in Plan and TIP Coordination
- 23 U.S.C. 134 (i) - Development of Transportation Plan
- 23 U.S.C. 134 (j) –Metropolitan TIP
- 23 U.S.C.134 (k) Transportation Management Areas (2) Transportation Plans, (3) Congestion Management Process, and (4) Selection of Projects

These sections outline the MPO's responsibilities for development of the long range plan, the TIP, and the Congestion Management Process. MPOs are required to document these and other planning activities funded under 23 U.S.C. and title 49 U.S.C. Chapter 53 in the annual unified planning work program (UPWP, referred to as the overall work program (OWP) in Hawaii)[16].

HRS 279E does not accurately reflect these roles and provisions.

[OahuMPO questions: 9, 9b]

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[13] 23 U.S.C. 134 (d)-Designation of Metropolitan Planning Organizations
[14] 23 U.S.C. 134 (d)(2) Structure
[15] 23 U.S.C. 134 (d)(2)(B)
[16] 23 CFR 450.308

6. Funding

Title 23 U.S.C. provides federal funds to be apportioned[17] to the individual States; and with the changes made in MAP-21, Hawaii will now have to consider the suballocation provisions of MAP-21[18] for Surface Transportation Program funds (23 U.S.C. 133(d) - STP) and Transportation Alternative Program funds (23 U.S.C. 213(c) – TAP). These provisions require the state to suballocate fifty percent of these program funds by population[19]. Those federal-aid funds for projects located in the MPO are required to meet federal provisions where all federally funded projects within the boundaries of a TMA MPO [OahuMPO] shall be selected for implementation from the approved TIP by the MPO in consultation with the State and any affected public transportation operator. Conversely, projects on the National Highway System (NHS), as well as the bridge or interstate program, shall be selected for implementation from the approved TIP by the state in cooperation with the MPO.[20] In short, the two sets of projects have reverse consultation requirements between the state and the MPO.

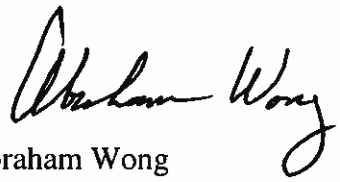
Title 23 U.S.C. also determines the distribution of Metropolitan Planning (PL) funds to each state. The state and the MPOs jointly determine the formula or proportionate share of the PL funds for the MPOs. [21] For the OWP tasks, the MPO determines and approves the PL funds use for eligible project activities. The state may approve the portion of the OWP that is funded with state funds. The FHWA approves and authorizes the final work program for the project activities that are funded with PL funds.[22] It should be further noted that 23 U.S.C. 104(d)(1)(A) requires that federal-aid monies apportioned to a state for MPO functions "shall be made available by the state to the metropolitan planning organization responsible for carrying out section 134 [of Title 23] in the state."

HRS 279E does not accurately reflect these roles and provisions and it should be amended to do so.

[OahuMPO questions: 9c, 9d]

Should you have additional questions, do not hesitate to contact Liz Fischer of my staff at (808) 541-2325 or by email at elizabeth.fischer@dot.gov.

Sincerely yours,



Abraham Wong
Division Administrator

By email:
OahuMPO: Brian Gibson, Randolph Sykes
FHWA- HCC: Lance Hanf, Janet Myers
FHWA-HI: Mayela Sosa, Liz Fischer
FTA-Region IX: Ted Matley, Ray Sukys, Leslie Rogers
FTA-TPE: Dwayne Weeks
FHWA-HEPP: Lorrie Lau, Harlan Miller, Kenneth
PettyMauiMPO: Rowena Dagdag-Andaya, Marc Takamori, David Goode, Joanne Johnson-Winer

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[17] 23 U.S.C. 104. For the full MAP-21 update of 23 U.S.C. see http://U.S.C.odebeta.house.gov/browse.xhtml (current as of 10/19/2012).
[18] Sections 1108 Surface Transportation Program and 1122 Transportation Alternatives Program. http://www.fhwa.dot.gov/map21/qandas/qasuballocation.cfm.
[19] 23 U.S.C. 213(c), 23 U.S.C 133(d)
[20] 23 U.S.C. 134 (k) (4) TMA Selection of projects.
[21] 23 CFR 420.109 - Planning and Research Program Administration for PL funds.
[22] 23 CFR 420.115

Attachment 1- Excerpted Sections HRS 279E
OahuMPO Request for Clarification
(HRS 279E[23] follows in its entirety)

HRS 279E Section	Response Group[24]
HRS §279E-1	
1. *"The legislature finds that Section 112 of the Federal-Aid Highway Act of 1973, Section 9 of the Urban Mass Transportation Act of 1964, as amended, and other federal law require that a metropolitan planning organization be designated to act as an advisory urban transportation planning organization...."*	1
2. *"This MPO will be primarily an advisory body to the legislature and the legislative body of the appropriate county in affairs involving the continuous, comprehensive, cooperative urban transportation planning for the county."*	2
3. *"In transportation, the state government has responsibility for such normally local government programs as airports, bikeways, harbors and waterways."*	3
4. *"In short, the State has responsibility for most of the major transportation facilities and projects on Oahu and any designation of an MPO must take this into account. Designation of an MPO which does not provide for significant state participation simply does not recognize the existing delineation of state and county functions relating to transportation in Hawaii."*	3
HRS §279E-2	
5. *"There is established in each county with a population in excess of 200,000 a metropolitan planning organization called the Metropolitan Planning Organization, abbreviated by the letters MPO. The MPO shall be an advisory body responsible for carrying out a continuing, comprehensive, transportation planning process...."*	4
6. *"The MPO shall recognize that all of its activities shall be primarily advisory, and that policymaking powers shall remain with the legislature or the legislative body of the appropriate county...."*	2
7. *"Nothing in this law is intended to change the basic jurisdiction for planning responsibilities already given to the state and county agencies in existing statutes and ordinances. Those state and county agencies are to cooperate with the MPO by providing input from their present planning processes and the MPO will advise those agencies by way of submitting to them the coordinate plan with it develops."*	3
HRS 279E-3	
8. *"The MPO shall consist of a policy committee and appropriate staff. The MPO policy committee shall consist of fourteen members. These members shall include:* *a. Five members of the legislative body of the appropriate county;* *b. Three members of the state senate:* *i. One of whom shall be chairperson of the senate committee with primary responsibility for transportation issues. In the event there is more than one chairperson of the senate committee with primary responsibility for transportation issues, the senate president shall identify the chairperson*	4

[23] Hawaii Revised Statute Chapter 279E-Metropolitan Planning Organization accessed 10/8/2013. http://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0279E/HRS_0279E-.htm

[24] 1. Relationship of HRS 279E to current Federal Statue (23 U.S.C. 134)
2. Role of the MPO and its functional capacity
3. Scope of the planning process (role of the MPO and its relation to other State agencies and programs)
4. MPO organization: Designation and Membership
5. MPO-TMA Products
6. Funding

HRS 279E Section		Response Group[24]
	who shall serve on the MPO policy committee and who shall not be required to be a resident of the appropriate county;…."	
HRS §279E-7		
9.	*"The functions of each Metropolitan Planning Organization shall include:*	5
	a. *Serve in an advisory body to the legislature, the legislative body of the county, and the appropriate state and county agencies in carrying out continuous, comprehensive, and cooperative transportation planning and programming for the county as required by federal laws and rules.*	2
	b. *Obtain information and plans from the appropriate county and state agencies to formulate a short-range six-year transportation plan for the county and an annual update of that plan, and a master multi-modal long-range transportation plan for the county in order to advise the legislature, the legislative body of the county, and other appropriate agencies regarding those plans.*	5
	c. *Develop a formula for the distribution of metropolitan planning funds which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs, and submit this formula for approval by the Secretary of Transportation.*	6
	d. *Receive and distribute, as necessary, federal funds under Section 112 of the Federal-Aid Highway Act of 1973, the Urban Mass Transportation Act of 1964, as amended, Section 13 of the Airport and Airway Development Act of 1970, as amended, and Section 5 of the Urban Mass Transportation Act of 1964, as amended.*	1, 6
	e. *Advise on plans, projects and programs requiring action by the state legislature or the legislative body of the county which have been submitted for review to the MPO.*	3
	f. *Undertake such other functions as may become appropriate in an advisory body to ensure a joint planning process between the county and the State, and advise appropriate legislative bodies and agencies, as necessary.*	2

[CHAPTER 279E
METROPOLITAN PLANNING ORGANIZATION][25]

Section
279E-1 Statement of purpose
279E-2 Establishment of Metropolitan Planning Organization
279E-3 Metropolitan Planning Organization membership
279E-4 Chairperson: function and term of office
279E-5 Staff and funding
279E-6 Meetings
279E-7 Functions of the Metropolitan Planning Organization
279E-8 Clearinghouse agency

[§279E-1] Statement of purpose. The legislature finds that Section 112 of the Federal-Aid Highway Act of 1973, Section 9 of the Urban Mass Transportation Act of 1964, as amended, and other federal law require that a metropolitan planning organization be designated to act as an advisory urban transportation planning organization and to receive certain funds for the purpose of carrying out continuing, comprehensive, cooperative urban transportation planning. It is further suggested that the organization be established under specific state legislation to coordinate metropolitan transportation planning.

The Oahu Transportation Planning Program, a quasi-agency presently charged with coordinating transportation planning on Oahu has been unable to satisfy federal requirements for a "continuing, comprehensive, and cooperative", transportation planning process. As a result, the Federal Highway Administration and the Urban Mass Transportation Administration have decertified Oahu transportation programs for federal funding. This problem has resulted in statewide concern about the effects of decertification because of its impact on transportation programs and consequently employment and also because Oahu contains the greater part of the State's population and employment.

In order to be recertified, it is mandatory that a Metropolitan Planning Organization be established and designated by the State as soon as possible. Loss of all federal planning and construction funds for transit and transportation will continue until this is done.

This MPO will be primarily an advisory body to the legislature and the legislative body of the appropriate county in affairs involving the continuous, comprehensive, cooperative urban transportation planning for the county. This chapter is designed to provide the mechanism by which orderly and reasoned urban transportation planning can take place within the framework of federal law and the need to provide for adequate and informed representation from both the state and county governments and the public at large.

It is appropriate that each unit of general purpose government within the jurisdiction of the Metropolitan Planning Organization shall have adequate representation on the Metropolitan Planning Organization. The Metropolitan Planning Organization (MPO), will, utilizing input from appropriate state and city agencies, coordinate and develop a prospectus and a unified planning work program, a transportation plan and a transportation improvement program including an annual element of projects recommended for funding in order to provide this advice to legislative and government agencies. It is very important that the delineation of state and county functions relating to transportation within the metropolitan area be carefully considered in the designation of the MPO.

Hawaii's state government differs markedly from most mainland states. Hawaii has a two-tier government: the State and the various counties. The state government functions as a general purpose government having the responsibility for many programs, such as public education, health, welfare and judiciary, which are usually controlled by local government in mainland states. In addition, land use, through the state land use commission, is generally determined by the State rather than by the counties as is usually the case on the mainland. In transportation, the state government has responsibility for such normally local government programs as airports, bikeways, harbors and waterways.

Hawaii's two-tier government did not come about by accident; it was the result of careful consideration and study of Hawaii's unique geographic configuration. As a state comprised of islands, Hawaii has four counties, each consisting of separate islands and consequently not contiguous.

[25] http://capitol.hawaii.gov/hrs1999/Vol05/hrs279e/ (Current as of July 25, 2000; references made by OahuMPO are underlined herein.)

Because the State of Hawaii is comprised of islands, much of the transportation planning done by the State is designed to facilitate transportation solely within the county in which the project is built. Obviously, a state highway built on the island of Oahu will only serve that island. Hence, for example, the State's three major defense highways, H-1, H-2 and TH-3, which are all located on Oahu, while designated as state highways, serve only the transportation needs of the residents of Oahu. However, this is entirely consistent with the present delineation of roadway functions in Hawaii. The State is generally responsible for providing highway facilities that facilitate inter-community transportation, with the counties primarily responsible for local intra-community streets and roads. As a result, the State has by design a major portion of the responsibility for transportation in each county, and more importantly for that part of the transportation network most closely related to and impacting on planning in general and transportation planning in particular.

Unlike most mainland states, Hawaii has only one urbanized area, the City and County of Honolulu, where eighty-one per cent of the State's population reside. In transportation, the State has programmed approximately $149 million dollars in new highway facilities for Oahu in fiscal year 1976 as compared to approximately $31 million dollars by the City and County of Honolulu. Additionally, the State's major airports and harbors are located on Oahu. In short, the State has responsibility for most of the major transportation facilities and projects on Oahu and any designation of an MPO must take this into account. Designation of an MPO which does not provide for significant state participation simply does not recognize the existing delineation of state and county functions relating to transportation in Hawaii.

The MPO must be designed to prevent the type of situation which led to the decertification of the OTPP; it must have its own coordinating staff independent of either state or county agencies; it must be accessible and accountable to the public; and it must provide for public input.

The purpose of this chapter is to establish and specify the role of the organization to be designated by the governor as the MPO as required by 23 United States Code 134 and Section 4(a) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1603(a)) which requires comprehensive planning of transportation improvements. [L 1975, c 180, §1]

§279E-2 Establishment of Metropolitan Planning Organization. There is established in each county with a population in excess of 200,000 a metropolitan planning organization called the Metropolitan Planning Organization, abbreviated by the letters MPO. The MPO shall be an advisory body responsible for carrying out a continuing, comprehensive, transportation planning process in cooperation with the State and the appropriate county in order to advise appropriate state, county, and federal agencies regarding that process.

The MPO shall develop through continuing cooperative input from state and county planning agencies, the transportation plans and planning processes or policies enumerated herein and shall submit those plans and planning processes together with any other advice on transportation planning as may be required to the state legislature, the state department of transportation, the state department of business, economic development, and tourism, the office of planning, the legislative body of the appropriate county, the transportation and planning agencies of the appropriate county, and appropriate federal agencies.

The MPO shall further assist and advise the state legislature, the state department of transportation, the state department of business, economic development, and tourism, the office of planning, the legislative body of the appropriate county and the transportation and planning agencies of the appropriate county in carrying out comprehensive metropolitan transportation planning embracing airports, bikeways, harbors, highways, transit and waterways within the appropriate county. The MPO shall assist and advise such appropriate agencies in evaluating studies and programs related to transportation planning. The MPO shall recognize that all of its activities shall be primarily advisory, and that the policymaking powers shall remain with the legislature or the legislative body of the appropriate county, whichever the case may be. The MPO is to develop and recommend policies, priorities, and techniques relating to transportation planning, and shall be directly accountable to the legislature and the legislative body of the county as an advisory body.

For administrative purposes only, each MPO shall be assigned in part to the department of transportation of the State of Hawaii and in part to the county.

Nothing in this law is intended to change the basic jurisdiction for planning responsibilities already given to the state and county agencies in existing statutes and ordinances. Those state and county agencies are to cooperate with the MPO by providing input from their present planning processes and the MPO will advise those agencies by way of submitting to them the coordinated plan which it develops. [L 1975, c 180, §2; am L 1987, c 336, §6; am L 1990, c 293, §8; am L 1996, c 299, §3]

§279E-3 Metropolitan Planning Organization membership. The MPO shall consist of a policy committee and appropriate staff. The MPO policy committee shall consist of thirteen members. These members shall include:
(1) Five members of the legislative body of the appropriate county;
(2) Three members of the state senate:
(A) One of whom shall be chairperson of the senate committee with primary responsibility for transportation issues. In the event there is more than one chairperson of the senate committee with primary responsibility for transportation issues, the senate president shall identify the chairperson who shall serve on the MPO policy committee and who shall not be required to be a resident of the appropriate county; and
(B) Two of whom shall be residents of the appropriate county and shall be appointed by the senate president;
(3) Three members of the state house of representatives:
(A) One of whom shall be the chairperson of the committee of the house of representatives with primary responsibility for transportation issues; and
(B) Two of whom shall be residents of the appropriate county and shall be appointed by the speaker of the house;
(4) One member who shall be the director of transportation; and
(5) One member who shall be the director of the appropriate county department assigned primary responsibility for transportation planning.

Each member of the MPO policy committee who is a member of the state legislature or the legislative body of the county shall serve for the same term as the term of office for which the member is elected. There shall be no remuneration for this service.

Vacancies in the MPO policy committee that occur shall be filled in the same manner in which the original member was appointed. [L 1975, c 180, §3; am L 1985, c 194, §1; am L 1986, c 55, §1; am L 1997, c 11, §1]

§279E-4 Chairperson: function and term of office. The members of the MPO policy committee shall elect annually a chairperson on a rotating basis between the members of the state legislature and the legislative body of the appropriate county.

The chairperson shall place on the agenda for full hearing any issue, project, or subject matter relating to transportation which is requested by at least three members of the MPO policy committee. [L 1975, c 180, §4; am L 1985, c 194, §2]

§279E-5 Staff and funding. Each MPO shall have a full-time staff independent of state and county agencies. The MPO policy committee shall appoint all members of the staff, none of whom shall be subject to chapter 76. All other 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.

During the remainder of fiscal year 1975 and during fiscal year 1976 each such MPO is authorized to have not less than the equivalent staff positions authorized for the present organizations responsible for metropolitan transportation planning and designated in accordance with the provisions of 23 United States Code 134.

There is established in the state treasury for the department of transportation a revolving fund of $30,000 to be known as the OMPO revolving fund which shall be administered by the director of transportation. The moneys in the fund shall be appropriated from the highway fund, and may be expended by the Oahu Metropolitan Planning Organization for its operation. The OMPO revolving fund shall be replenished when OMPO receives reimbursements from federal agencies. [L 1975, c 180, §5; am L 1976, c 37, §2; am L 1978, c 186, §1; am L 2000, c 253, §150]

§279E-6 Meetings. Public notice of MPO policy committee meetings shall be given at least forty-eight hours in advance and the meetings shall be open to the public.

When the MPO makes a decision concerning input to any of its advisory plans or procedures or any other matter, then there shall be at least six members of the MPO policy committee present, of whom at least three shall be state members and at least three shall be county members. The decision shall be made by a majority vote of the members present. [L 1975, c 180, §6; am L 1985, c 194, §3; am L 1986, c 55, §2; am L 1998, c 2, §82]

[§279E-7] Functions of the Metropolitan Planning Organization. The functions of each Metropolitan Planning Organization shall include:

(1) Serve in an advisory capacity to the legislature, the legislative body of the county, and the appropriate state and county agencies in carrying out continuous, comprehensive and cooperative transportation planning and programming for the county as required by federal laws and rules.
(2) Obtain information and plans from the appropriate county and state agencies to formulate a short-range six-year transportation plan for the county and an annual update of that plan, and a master multi-modal long-range transportation plan for the county in order to advise the legislature, the legislative body of the county, and other appropriate agencies regarding those plans.
(3) Review the capital improvement programs of both the county and State for urbanized and rural areas of the county as they concern transportation.
(4) Integrate transportation planning for the county with a statewide transportation planning program authorized by Act 218, Session Laws of Hawaii 1974.
(5) Develop recommendations to the state legislature and the legislative body of the county regarding transportation policy matters.
(6) Act as liaison with the intermodal planning group of the Secretary of Transportation.
(7) Coordinate the mathematical modeling essential to the transportation planning process of the county.
(8) Ensure a continuing, comprehensive transportation planning process carried on cooperatively by the State and the county.
(9) Develop a formula for the distribution of metropolitan planning funds which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs, and submit this formula for approval by the Secretary of Transportation.
(10) Receive and distribute, as necessary, federal funds under Section 112 of the Federal-Aid Highway Act of 1973, the Urban Mass Transportation Act of 1964, as amended, Section 13 of the Airport and Airway Development Act of 1970, as amended, and Section 5 of the Urban Mass Transportation Act of 1964, as amended.
(11) Receive and distribute, as necessary, such other funds as may become available to support metropolitan transportation.
(12) Advise on plans, projects and programs requiring action by the state legislature or the legislative body of the county which have been submitted for review to the MPO.
(13) Undertake such other functions as may become appropriate in an advisory capacity to ensure a joint planning process between the county and the State, and advise appropriate legislative bodies and agencies, as necessary.
(14) If the MPO finds that it is necessary to have a citizens' advisory group to present technical or other expert opinions or facts to the MPO then such a group may be formed. [L 1975, c 180, §7]

§279E-8 Clearinghouse agency. The governor of the State of Hawaii shall have the authority to designate any agency in the State and in any county of the State to exercise the duties of the clearinghouse agency as called for in Presidential Executive Order 12372 -Intergovernmental Review of Federal Programs. [L 1975, c 180, §8; am L 1984, c 70, §1]

Attachment 2
23 U.S.C. Section 134. Metropolitan transportation planning[26]

Sec. 134. Metropolitan transportation planning

a) **Policy**. - It is in the national interest -

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

b) **Definitions**. - In this section and section 135, the following definitions apply:

(1) Metropolitan planning area. - The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) Metropolitan planning organization. - The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d).

(3) Nonmetropolitan area. - The term "nonmetropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) Nonmetropolitan local official. - The term "nonmetropolitan local official" means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) Regional transportation planning organization. - The term "regional transportation planning organization" means a policy board of an organization established as the result of a designation under section 135(m).

(6) TIP. - The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

(7) Urbanized area. - The term "urbanized area" means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

c) **General Requirements**. -

(1) Development of long-range plans and tips. - To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) Contents. - The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) Process of development. - The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

d) **Designation of Metropolitan Planning Organizations**. -

(1) In general. - To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals -

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) Structure. - Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of -

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and (C) appropriate State officials.

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[26] http://www.fhwa.dot.gov/map21/legislation.cfm (Current as of 10/19/12)

(3) Limitation on statutory construction. - Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities -

(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(4) Continuing designation. - A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

(5) Redesignation procedures. -

(A) In general. - A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

(B) Restructuring. - A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.

(6) Designation of more than 1 metropolitan planning organization. - More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

e) **Metropolitan Planning Area Boundaries.** -

(1) In general. - For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

(2) Included area. - Each metropolitan planning area -

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20- year forecast period for the transportation plan; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) Identification of new urbanized areas within existing planning area boundaries. - The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

(4) Existing metropolitan planning areas in nonattainment. -

(A) In general. - Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

(B) Exception. - The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(5).

(5) New metropolitan planning areas in nonattainment. - In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area -

(A) shall be established in the manner described in subsection (d)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

f) **Coordination in Multistate Areas.** -

(1) In general. - The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) Interstate compacts. - The consent of Congress is granted to any 2 or more States -

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) Reservation of rights. - The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

g) **MPO Consultation in Plan and TIP Coordination. -**

(1) Nonattainment areas. - If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

(2) Transportation improvements located in multiple mpos. - If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) Relationship with other planning officials. -

(A) In general. - The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

(B) Requirements. - Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by -

(i) recipients of assistance under chapter 53 of title 49;

(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(iii) recipients of assistance under section 204.

h) **Scope of Planning Process. -**

(1) In general. - The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will -

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and for freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(2) Performance-based approach. -

(A) In general. - The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of this title and in section 5301(c) of title 49.

(B) Performance targets. -

(i) Surface transportation performance targets. -

(I) In general. - Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

(II) Coordination. - Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) Public transportation performance targets. - Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

(C) Timing. - Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

(D) Integration of other performance-based plans. - A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans

developed under chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.

(3) Failure to consider factors. - The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

i) **Development of Transportation Plan.** -

(1) Requirements. -

(A) In general. - Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

(B) Frequency. -

(i) In general. - The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

(ii) Other areas. - In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

(2) Transportation plan. - A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) Identification of transportation facilities. -

(i) In general. - An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

(ii) Factors. - In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20- year forecast period.

(B) Performance measures and targets. - A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

(C) System performance report. - A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including -

(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

(D) Mitigation activities. -

(i) In general. - A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

(ii) Consultation. - The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(E) Financial plan. -

(i) In general. - A financial plan that -

(I) demonstrates how the adopted transportation plan can be implemented;

(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(III) recommends any additional financing strategies for needed projects and programs.

(ii) Inclusions. - The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(iii) Cooperative development. - For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(F) Operational and management strategies. - Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(G) Capital investment and other strategies. - Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

(H) Transportation and transit enhancement activities. - Proposed transportation and transit enhancement activities.

(3) Coordination with clean air act agencies. - In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

(4) Optional scenario development. -

(A) In general. - A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

(B) Recommended components. - A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider -

(i) potential regional investment strategies for the planning horizon;

(ii) assumed distribution of population and employment;

(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

(vi) estimated costs and potential revenues available to support each scenario.

(C) Metrics. - In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

(5) Consultation. -

(A) In general. - In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

(B) Issues. - The consultation shall involve, as appropriate -

(i) comparison of transportation plans with State conservation plans or maps, if available; or

(ii) comparison of transportation plans to inventories of natural or historic resources, if available.

(6) Participation by interested parties. -

(A) In general. - Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

(B) Contents of participation plan. - A participation plan -

(i) shall be developed in consultation with all interested parties; and

(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

(C) Methods. - In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable -

(i) hold any public meetings at convenient and accessible locations and times;

(ii) employ visualization techniques to describe plans; and

(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(7) Publication. - A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(8) Selection of projects from illustrative list. - Notwithstanding paragraph (2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(C).

j) **Metropolitan TIP**. -

(1) Development. -

(A) In general. - In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that -

(i) contains projects consistent with the current metropolitan transportation plan;

(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

(B) Opportunity for comment. - In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) Funding estimates. - For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) Updating and approval. - The TIP shall be -

(i) updated at least once every 4 years; and

(ii) approved by the metropolitan planning organization and the Governor.

(2) Contents. -

(A) Priority list. - The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) Financial plan. - The TIP shall include a financial plan that –

(i) demonstrates how the TIP can be implemented;

(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) Descriptions. - Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) Performance target achievement. - The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

(3) Included projects. -

(A) Projects under this title and chapter 53 of title 49. - A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) Projects under chapter 2. –

(i) Regionally significant projects. - Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) Other projects. - Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

(C) Consistency with long-range transportation plan. - Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) Requirement of anticipated full funding. - The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(4) Notice and comment. - Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(5) Selection of projects. -

(A) In general. - Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP -

(i) by -

(I) in the case of projects under this title, the State; and

(II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) Modifications to project priority. - Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) Selection of projects from illustrative list. -

(A) No required selection. - Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) Required action by the secretary. - Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) Publication. -

(A) Publication of tips. - A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) Publication of annual listings of projects. -

(i) In general. - An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) Requirement. - The listing shall be consistent with the categories identified in the TIP.

k) **Transportation Management Areas. -**

(1) Identification and designation. -

(A) Required identification. - The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) Designations on request. - The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) Transportation plans. - In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(3) Congestion management process. -

(A) In general. - Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

(B) Schedule. - The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

(4) Selection of projects. -

(A) In general. - All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) National highway system projects. - Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

(5) Certification. -

(A) In general. - The Secretary shall -

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

(B) Requirements for certification. - The Secretary may make the certification under subparagraph (A) if -

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

(C) Effect of failure to certify. -

(i) Withholding of project funds. - If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

(ii) Restoration of withheld funds. - The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

(D) Review of certification. - In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

l) **Report on Performance-based Planning Processes**. -

(1) In general. - The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection

(2) Report. - Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating -

(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area of less than 200,000 and their ability to carry out the requirements of this section.

(3) Publication. - The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

m) **Abbreviated Plans for Certain Areas**. -

(1) In general. - Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) Nonattainment areas. - The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

n) **Additional Requirements for Certain Nonattainment Areas**. -

(1) In general. - Notwithstanding any other provisions of this title or chapter 53 of title, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) Applicability. - This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

o) **Limitation on Statutory Construction**. - Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

p) **Funding**. - Funds set aside under section 104(f) of this title or section 5305(g) of title 49 shall be available to carry out this section.

q) **Continuation of Current Review Practice**. - Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.

U.S. Department
of Transportation

Federal Transit Administration

Federal Highway Administration

FTA - Region 9
201 Mission St Suite 1650
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300 Ala Moana Blvd Rm 3-306
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December 16, 2013

In Reply Refer To:
HDA-HI

Glenn M. Okimoto, Ph.D.
Director
Hawaii Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Statewide and Metropolitan Planning Processes Concerns

Dear Dr. Okimoto:

We have reviewed the Hawaii Department of Transportation (HDOT) and Oahu Metropolitan Planning Organization (OahuMPO) correspondence[1] concerning the metropolitan transportation planning process as implemented by OahuMPO. The core issues seem to stem from statutory amendments triggered by the *Moving Ahead for Progress in the 21st Century Act*[2] *(MAP-21)*, implementation of federal transportation statutes and regulations, and changes in federal expectations of practice by both the HDOT and OahuMPO. The overarching areas revolve around understanding basic definitions for transportation planning as defined in 23 U.S.C. 134 & 135 and in 23 CFR 450 and the roles and responsibilities outlined therein.

The major areas needing clarification are:

1. Role of the MPO and Its Functional Capacity
2. Scope of the Planning Process
3. Financial Control & Decisionmaking
4. Overall Work Program
5. Planning Studies
6. Performance Measures & Data
7. Transportation Alternatives Program

1. Role of the MPO & Its Functional Capacity

The federal transportation planning statute does not position MPOs as advisors. By law, the MPO is the decision maker on the use of federal-aid transportation funds in metropolitan planning areas[3]. The MPO is the policy board[4]. MPO staff, including the executive director, support and provide technical resources to the policy board. Decisions made by the policy board are a result of

[1] Letters and emails dated from 30 May to 19 August 2013.
[2] MAP-21 [P.L. 112-141]
[3] 23 U.S.C. (j)(5), 23 U.S.C. (k)(4)(a)
[4] 23 U.S.C. 134 (b)(2) Metropolitan planning organization - The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d). In Hawaii, the MPO Policy Board is called the Policy Committee.

consultation, cooperation, coordination, and consideration[5] as directed by federal statute[6] and regulation with the MPO's state and local agency partners, and with interested parties. As you know, the HDOT is a member of the OahuMPO Policy Committee and has one vote, as well as certain project selection and consultation duties found in transportation management areas (like Oahu) pursuant to 23 U.S.C. 134 (k)(4).

2. Scope of the Planning Process

The United States Department of Transportation (USDOT) policy relative to the metropolitan planning process is "to encourage and promote the safe and efficient management, operation, and development of surface transportation systems[7]." While the state and local systems and facilities owners and operators are responsible for the management and operations of these systems, the MPO role is to provide the 3-C (comprehensive, cooperative, and continuing[8]) transportation planning process for the metropolitan planning area. This scope requires MPOs to consider projects and strategies for the metropolitan area that support the eight national planning factors using a performance-based approach[9].

This includes the MPO responsibility to develop a multi-modal long range transportation plan, a congestion management process, and a transportation improvement program (TIP)[10] in consultation and cooperation with appropriate state and local transportation and planning agencies, as well as those affected by transportation for the metropolitan area[11]. All of this is accomplished as a result of the MPO working with the plans and planning activities of others as they affect metropolitan transportation planning. This allows the MPO to adopt and reference plans of other agencies in its planning efforts and to influence the plans of other agencies where they touch on metropolitan transportation planning. MPOs are neither expected nor required to be subordinate to state transportation agencies or their required planning products.

With USDOT encouragement, OahuMPO staff is bringing the OahuMPO processes and procedures into alignment with federal statute and regulations, and in some cases, adopting best practices from other MPOs across the nation. While not a requirement, best practices foster good business operations and inspire innovations for more efficient and effective government. OahuMPO staff research as part of the on-going planning program process review[12] has identified potential staff skills gaps such as data managers and multi-modal planners, which could help the MPO more thoroughly meet the requirements of MAP-21. HDOT, too, has been continually encouraged to identify and adopt best practices for statewide planning in addition to meeting required federal statutes and regulations.

To ensure that each Policy Committee member understands their individual and committee responsibilities, the OahuMPO Executive Director, the Policy Committee Chairman, and a representative of the FHWA have been meeting with each Policy Committee member, including

[5] 23 CFR 450.100 - definitions
[6] 23 U.S.C. 134 (g) (3) MPO Consultation in Plan and TIP Coordination - Relationship with other planning officials.
[7] 23 U.S.C. 134 (a) Policy
[8] 23 U.S.C. (c)(3); 23 CFR 450.300(a)
[9] 23 U.S.C. 134 (h)-Scope of Planning Process
[10] 23 U.S.C. 134 (c) - General Requirements
[11] 23 U.S.C. 135 (g)-MPO Consultation in Plan and TIP Coordination
[12] Work Element 205.01-12 OahuMPO Planning Process Review

HDOT[13]. These briefings provide an overview on Policy Committee member duties and the role and purpose of the MPO in transportation planning and project funding.

3. Financial Control & Decisionmaking

Title 23 U.S.C. provides federal funds to be apportioned[14] to the individual states, and with the changes made in MAP-21, Hawaii will now have to consider the suballocation provisions of MAP-21[15] for Surface Transportation Program funds (23 U.S.C. 133(d) - STP) and Transportation Alternative Program funds (23 U.S.C. 213(c) – TAP). These provisions require the state to suballocate fifty percent of these program funds by population[16]. Those federal-aid funds for projects located in the MPO are required to meet federal provisions where all federally funded projects within the boundaries of a TMA MPO, OahuMPO, shall be selected for implementation from the approved TIP by the MPO in consultation with the state and any affected public transportation operator. Conversely, projects on the National Highway System (NHS), as well as the bridge or interstate program, shall be selected for implementation from the approved TIP by the state in cooperation with the MPO[17]. In short, the two sets of projects have reverse consultation requirements between the state and the MPO. For the first time ever OahuMPO's Policy Committee, of which the HDOT is a voting member, will select projects for inclusion in the TIP.

Title 23 U.S.C. also determines the distribution of Metropolitan Planning (PL) funds to each state. The state and the MPOs jointly determine the formula or proportionate share of the PL funds for the MPOs[18]. For the OWP tasks, the MPO determines and approves the PL funds use for eligible project activities. The state may approve the portion of the OWP that is funded with state funds. The FHWA approves and authorizes the final work program for the project activities that are funded with PL funds[19]. It should be further noted that 23 U.S.C. 104(d)(1)(A) requires that federal-aid monies apportioned to a state for MPO functions "shall be made available by the state to the metropolitan planning organization responsible for carrying out section 134 [of Title 23] in the state."

4. Overall Work Program (OWP)

Title 23 U.S.C. 134 outlines the roles and responsibilities of MPOs, and in detail those of MPOs serving as TMAs like OahuMPO. The specific sections are:

- 23 U.S.C. 134 (g) – MPO Consultation in Plan and TIP Coordination
- 23 U.S.C. 134 (i) –Development of Transportation Plan
- 23 U.S.C. 134 (j) –Metropolitan TIP
- 23 U.S.C.134 (k) Transportation Management Areas (2) Transportation Plans, (3) Congestion Management Process, and (4) Selection of Projects

These sections outline the MPO's responsibilities for development of the long range plan, the TIP, and the congestion management process (CMP[20]). MPOs are required to document these and other

[13] HDOT leadership, including Director Okimoto and Highway Administrator Takeshita, were briefed on Friday,February 8, 2013 in Director Okimoto's office by the OahuMPO Executive Director, FHWA Hawaii Division ADA Sosa, and Division Planner Fischer.
[14] 23 U.S.C. 104. For the full MAP-21 update of 23 U.S.C. see http://U.S.C.odebeta.house.gov/browse.xhtml (current as of 10/19/2012).
[15] Sections 1108 Surface Transportation Program and 1122 Transportation Alternatives Program. http://www.fhwa.dot.gov/map21/qandas/qasuballocation.cfm.
[16] 23 U.S.C. 213(c), 23 U.S.C. 133(d)
[17] 23 U.S.C. 134 (k) (4) TMA Selection of projects.
[18] 23 CFR 420.109 - Planning and Research Program Administration for PL funds.
[19] 23 CFR 420.115
[20] 23 CFR 450.320, provides for effective management and operation of eligible new and existing transportation facilities through travel demand reduction and operational management strategies

planning activities funded under 23 U.S.C. and Title 49 U.S.C. Chapter 53 in the annual unified planning work program (UPWP, referred to as the overall work program (OWP) in Hawaii)[21].

The OWP is the MPO's operational budget supported by 80 percent federal planning funds for which a local match of 20 percent is expected from the MPO's local agency partners[22]. Without an operational budget, all metropolitan planning work stops, including moving the TIP forward for amendment and inclusion in the state's STIP. The expectation under federal statute and regulations is that all parties in the transportation planning process work under a "3-C", i.e. cooperative, continuing, and comprehensive process,[23] that when practiced by all parties should forestall such a budget crises.

Just as the HDOT has been improving the Statewide Planning and Research Program (SPR- Part 1 Planning) processes and procedures over the past several years, OahuMPO is updating the OWP procedures and practices. One of the most recent examples was to shift the OWP to a two-year budget cycle primarily to accommodate the City and County of Honolulu's budget cycle, a change which also benefits the HDOT and the legislature's budget cycle. This shift was announced publically through the MPO's Technical Advisory Committee (TAC) and the Policy Committee and with the support of both bodies. HDOT was a participant in those approvals. Other changes to OWP procedures and practices are underway as a result of the most recent TMA Certification Review findings and recommendations[24] by the FHWA and FTA.

The OahuMPO has a published a schedule for the initial submission through the final package of the OWP. Included in this are several review cycles, both internal and public. The Policy Committee, as the decision-making body, may add and delete projects including planning studies within the documented windows before the final public review period, a privilege which they have used on rare occasion, most recently in 2012 and again in the Spring of 2013.

The FHWA and FTA jointly approve the OWP. HDOT, as documented in the most recent Stewardship Agreement with the FHWA, only approves the state funding portion and provides a compliance review of the overall document[25] to federal administrative requirements before forwarding to the FHWA and FTA for formal approval.

5. Performance Measures and Data

Performance based planning and performance measures are required of MPOs and the states under MAP-21[26]. Such measures require supporting data collection and analysis. Because of the scale and focus differential between the state and MPO, there is a need for the MPO to collect and use data that serve regional and metropolitan planning needs. HDOT has decades of data that it has collected and reported through federal systems such as the Highway Performance Monitoring System (HPMS), National Bridge Inspection Standards (NBIS), Finance Analysis System Highways (FASH), Oversize/ Overweight Program (OSW), Heavy Vehicle Use Tax (HVUT), and the Fatal Analysis Reporting System (FARS). In most cases, this data is at the state level scale, not the regional levels needed by OahuMPO.

[21] 23 CFR 450.308
[22] 23 CFR 420.103
[23] 23 CFR 450.200 and 300(a)
[24] *Joint Certification Review of the Oahu Area Metropolitan Transportation Planning Process Final Report* (USDOT -May 2013).
[25] Section 4.1 Planning, January 5, 2007, Page 10.
[26] MAP-21 Subtitle B Performance Management, Sections 1201-1203; 23 U.S.C. 134 (h)(2), *et alia*, 23 U.S.C. 135 (d)(2), *et alia*; 23 U.S.C. 150. See also: https://www.fhwa.dot.gov/planning/performance_based_planning/ and http://www.fhwa.dot.gov/tpm/.

6. Planning Studies

Planning studies are required of MPOs to understand future transportation system needs in the metropolitan planning area. These are system and regional transportation planning activities. The information stemming from these studies informs the long range transportation plan[27] and the decision-making processes therein. Federal statute, regulations, and policy fully support multi-modal transport planning by states and MPOs[28]. Furthermore, so do state (Act 54) and local (Honolulu Ordinance 12-15) statutory actions. Planning studies that can be undertaken by MPOs include but are not limited to regional, corridor-specific, and local areas, and cover routes and facilities operated by state and local governments. These studies also address impacts from federal facilities and local and regional land uses.

Planning studies can be provided by the Policy Committee, the Technical and Citizens Advisory Committees, MPO staff, and partner agencies. Identification and development of these studies is the responsibility of the MPO and its partner agencies. The level of detail provided in the scope of work presented in the OWP is also the responsibility of the MPO. Just as with the HDOT's SPR Part-1 Planning program, project scopes of work in the OWP, particularly for consultant services, have been revised during draft revisions to provide clarity and detail as needed at the request of all the MPO planning partners, including the FHWA and FTA.

7. Transportation Alternatives Program

MAP-21, Section 1122 – Transportation Alternatives[29] (TAP) established a new program to provide for a variety of alternative transportation projects previously eligible under separately funded programs. Fifty percent of TAP funds are suballocated to areas based on population. MPOs in urbanized areas with more than 200,000 people are to conduct a competitive application and award process for use of the suballocated funds. Eligible applicants include tribal governments, local governments, transit agencies, and school districts. As discussed under Section 3 above, the MPO selects the projects to be funded under TAP and to be included under that line item on the TIP, which in turn is included in its entirety, unchanged, in the STIP[30].

While the HDOT has intimated that it will not move forward with a TAP program, the OahuMPO is. OahuMPO's proposed TAP procedures document, which is in draft and under review by the Policy Committee, is a work in progress with room for improvement. OahuMPO staff has repeatedly requested feedback from the partner agencies over the past several months. FHWA, too, has provided technical recommendations to the proposed process. Ultimately, it is the determination of the MPO to decide the details and processes of its TAP program.

[27] 23 U.S.C. 134 (i) and 23 CFR 450.318
[28] 23 U.S.C. 134 and 135; http://www.fhwa.dot.gov/planning/processes/statewide/practices/manual
[29] 23 U.S.C. 213 and 104(b)
[30] 23 CFR 450.216(b) 450.326(b)

Should you have additional questions, do not hesitate to contact Ted Matley at (415) 744-2590 or Liz Fischer at (808) 541-2325.

Sincerely yours,

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Abraham Wong
Division Administrator
Federal Highway Administration Hawaii

By email:

OahuMPO: Randolph Sykes, Marian Yasuda, Marian Ching
HDOT: Glenn Okimoto, Jadine Urasaki, Alvin Takeshita, Ken Tatsuguchi
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FHWA-HI: Abraham Wong, Mayela Sosa, John Turner, Liz Fischer
FHWA-HEPP: Kenneth Petty, Lorrie Lau
FHWA-HCC: Janet Myers, Lance Hanf

Appendix C: Planning Process Review Visioning Brainstorm Exercise

Oahu Planning Process Review
Visioning Brainstorm Exercise Outline

Following completion of the background review, partner agency/stakeholder interviews, and review of MPO Best Practices, a visioning brainstorm exercise was completed by the TOA Team, the OahuMPO Executive Director, and OahuMPO Project Manager. The purpose of this exercise was to identify preliminary components to the OahuMPO Vision that would address the critical/key issues identified in Section 3 of this report.

The results of the visioning brainstorm exercise are outlined below and included in this technical memorandum as a reference of the range of concepts being considered during the next steps in the Planning Process Review, but should not be viewed as an inclusive list or as project specific recommendations. As the final product, the Planning Process Review Strategic Plan will include an implementation plan and timeframe. As such, the vision brainstorm exercise also identified the potential timing of each concept: short-term (less than 6 months), mid-term (6 months to 2 years), and long-term (2 years to 5 years).

Overall Planning Process Review Outcomes:

- Clearly defined vision and role
- Establish an effective multimodal transportation planning agency
- Improve communication all around
- Break-down barriers to planning and operation
- Focus on things the OahuMPO can and should influence
- Establish the OahuMPO Policy Board as the MPO decision making body

Less than 6 month Timeframe

- Received delayed funding of Policy Committee and FHWA/FTA approved FY 14 Overall Work Program
- Repeal HRS 279E or identify short-term changes to HRS 279E for consideration in updated HRS 279E bill that meets the Federal statutes
- Obtain FHWA and FTA support and concurrence of actions and recommendations resulting from the Planning Process Review

- Identify examples of what MPOs can do (processes, projects/products, structure, authority, data collection, relationships, other functions)
    - Entrepreneurial leadership (expand beyond basic requirements)
    - Identify possible niches for the OahuMPO from best practices
- Develop Policy Committee training and education materials to reinforce the decision making authority and responsibilities of existing and new Policy Committee members
    - Review Florida MPO Advisory Council Institute Program (at the Center for Urban Transportation Research at University of South Florida)
    - Expand knowledge base Policy Committee membership
    - Flush out FHWA/FTA-HDOT December 16, 2013 letter issues regarding the Policy Committee responsibilities and membership
    - Establish that the MPO is the Policy Committee that serves all of Oahu (should not be seen as a competing agency or that the MPO is the Executive Director)
- Identify changes to the Comprehensive Agreement to ensure compliance with Federal statutes
- Evaluate Policy Committee structure and process
    - Establish bylaws to further define the structure and ensure that people attend meetings.
    - Create a standing meeting schedule
    - Evaluate membership organizations (DPP, Hawaii Community Development Authority (HCDA), Office of Planning, Land Use Commission, Planning Commission, military, Department of Hawaiian Homelands, Office of Hawaiian Affairs, Department of Health, private sector, environment, HDOT District Engineer as opposed to HDOT Director) and type of membership (voting, non-voting and ex-officio)
    - Change the name of the Policy Committee to Policy Board
    - Include regular presentation by Technical Advisory Committee Chair as standing item on Policy Committee agenda to report actions and recommendations of the Technical Advisory Committee
    - Enhance the existing Citizen Advisory Committee standing item on the Policy Committee agenda to include a regular presentation by Citizen Advisory Committee Chair to report actions and recommendations of the Citizen Advisory Committee
    - Exceed minimum meeting notice and materials timeframe requirements
    - Email materials to Policy Committee and advisory committee members in addition to mailing them
    - Enable members to establish designees or alternates
- Technical Advisory Committee
    - Define role and processes

- Establish formal bylaws
- Create a standing meeting schedule
- Evaluate membership (bicycle/pedestrian rep, HCDA, HART, Oahu Transit Services (OTS), military, Department of Hawaiian Homelands, Office of Hawaiian Affairs, Land Use Commission, Planning Commission, Department of Health, HUD, EPA, HDOT-Airports, HDOT-Harbors, private public transportation providers, additional freight providers, economic development, environment)
- Enable members to establish designees or alternates

- Short-term changes to MPO practices, procedures and work products
  - Evaluate and update Overall Work Program procedures
  - Evaluate and update ORTP procedures
  - Evaluate and update TIP procedures

6 Months - 2 Year Timeframe

- Complete Corrective Action legal review and recommendations
  - Identify long-term changes to (or elimination of) HRS 279E
  - Identify and build consensus on processes, projects/products, structure, authority, data collection, relationships, other functions that enhance the 3-C Process
- Establish a Transportation Alternatives Program per MAP-21
- Evaluate and change the organizational placement of MPO (consider independent and stand-alone, HART, DTS, Mayor, University of Hawaii, HCDA)
- Review and update administrative processes and programs
- Redefine MPO technical process (including project prioritization)
  - Define the role of public involvement in technical process
- Nurture the MPO to continually grow and evolve by having a parent/sister MPO to answer questions and provide guidance, MPO peer information exchange, attend conferences, etc.
- Evaluate and develop recommendations to adjust MPO staffing needs/structure as appropriate
- Evaluate and develop recommendations for additional advisory committee needs (bicycle and pedestrian, environmental, complete streets, land use, economic development and consider a multi-purpose livability/sustainability committee);
- Update the Overall Work Program
- Complete, test and validate Land use data/model
  - Identify target growth areas
  - Create project prioritization incentive for multi-modal projects in target growth areas
  - Update land development regulations as necessary

- Consider the following during the development of the 2040 ORTP
    - Telephone survey (each planning district; 8 total)
    - Public engagement (1st round-existing conditions [in progress], 2nd round-vision and illustrative projects, 3rd round-prioritization, funding and draft plan, 4th round-strategic implementation plan)
    - Develop Long Range Transportation Plan Safety Element consistent with State Highway Safety Plan
    - Develop baseline and enhanced revenue options and forecasting
    - Integrate project identification, evaluation, prioritization, selection process directly into public engagement
- Establish linkage between planning and National Environmental Policy Act (NEPA) process (MAP-21)
- Update performance measures based on best practices and MAP-21 guidance, as available
    - Identify data collection needs
- Update the Congestion Management Program (FY 2015) and consider the following:
    - Safety location issues, audits, countermeasure solutions and conceptual projects (highway, bicycle, pedestrian and transit safety)
    - Travel demand reduction strategies and project improvements
    - Alternative mode strategies and project improvements
    - Operational and Intelligent Transportation System (ITS) strategies and system improvements
    - Leverage local funding for federal and state safety funds, including the annual boxing of safety, operational and ITS funds
- Update the ITS Plan (FY 2015)
- Identify planning level demonstration study and successfully complete study to demonstrate what an MPO can do
- Evaluate financial programming best practices
    - Explore fiscal agency of MPO
- Conduct a Title VI/Environmental Justice update
- Evaluate/update the Public Participation Plan
- Conduct a freight study
- Hold an economic development summit
- Review best practices for utility coordination
- Evaluate and develop recommendations concerning the OahuMPO's participation in transit decision-making
- Focus on customer experience (1st customer—public, 2nd customer—partner agencies)

- Continually enhance website to include information, documents, agenda packets, etc.
- Be a go-to resource to partner agencies

2 - 5 Year Timeframe

- Update the Transportation Improvement Program
- Establish Oahu Regional Transportation Plan procedures
- Lead the creation of shared regional vision
- Integrate livability planning into the transportation planning process
- Conduct land use and transportation scenario planning
- Participate in Federal certification review that results in more than one best practice
- Address safety data management
- Address data management tools and gaps
- Integrate HCDA into metropolitan planning process on Oahu
- Address Utility coordination
- Establish MPO evaluation/performance criteria