Minutes of the
Oahu Metropolitan Planning Organization

TECHNICAL ADVISORY COMMITTEE

Friday, March 13, 2015, 9:00 a.m.
Department of Transportation 5th Floor Conference Room
869 Punchbowl Street, Honolulu, Hawaii

Members Present:

Ken Tatsuguchi, Chair	DOT	Kathy Sokugawa	DPP
Brian Suzuki, Vice Chair	DTS	Eileen Mark	DTS
Eugene Tian	DBEDT	Gordon Wong, ex officio	FAA
Rodney Funakoshi	DBEDT-OP	Elizabeth Fischer, ex officio	FHWA
Dean Nakagawa	DOT	A. Ricardo Archilla, ex officio	UH
Lori Arakaki	DPP		

Members Absent: FTA ex officio (vacant), Gareth Sakakida, ex officio (HTA)

Guests Present: Tom Smyth (NB #13, CAC) Ryan Tam (HART), Colin Leith

OahuMPO Staff Present: Brian Gibson, Chris Clark, Randolph Sykes, Pamela Toyooka

The meeting was called to order at 9:07 a.m. by Chair Ken Tatsuguchi. A quorum was present. Everyone introduced themselves.

I. MINUTES OF THE FEBRUARY 13, 2015 MEETING

Referring to page 4, 3rd sentence, Vice Chair Brian Suzuki stated that "…delete tasks…." should read "…delete non-critical tasks…."

Referring to page 3, 2nd paragraph, 2nd sentence, Chair Tatsuguchi asked for clarification regarding Rodney Funakoshi's request for a time bar in presentations. Brian Gibson responded that a time bar will be provided whenever the Overall Work Program is a TAC agenda item.

Referring to page 2, Item II, Elizabeth Fischer stated that what she said about the consistent practice of electing the TAC Chair and Vice Chair from only the Department of Transportation (DOT) and the Department of Transportation Services (DTS) should be included in the minutes. Ms. Fischer stated that this practice has been a long-term concern of the U.S. Department of Transportation (USDOT). She requested that the language from the meeting notes or recording be used to come up with the verbiage.

Dean Nakagawa moved and Mr. Funakoshi seconded that the minutes of the February 13, 2015 meeting be approved as corrected. The TAC Chair would be authorized to review and approve the corrections.

[Kathy Sokugawa arrived at 9:17 a.m.]

A vote was taken. The motion was unanimously carried.

[Eileen Mark arrived at 9:19 a.m.]

II. CONSIDER DRAFT TAC BYLAWS AND DRAFT COMPREHENSIVE AGREEMENT

In response to Ms. Sokugawa, Mr. Gibson stated that the Comprehensive Agreement needs to be approved by the Policy Committee in July, so TAC would need to make their recommendations no later than June.

In response to Mr. Funakoshi, Mr. Gibson stated that the revisions to the draft Comprehensive Agreement are being discussed today by TAC, rather than by the TAC permitted interaction group (PIG). In response to Mr. Funakoshi, Vice Chair Suzuki stated that it was discussed at the TAC PIG meeting. Chair Tatsuguchi asked if the TAC PIG discussion would continue. Mr. Gibson responded that, if the TAC PIG makes their report, they have to re-form the PIG in order to continue their discussion. Chair Tatsuguchi asked if the TAC PIG had decided that they had completed their discussion on the draft Comprehensive Agreement prior to presenting it to TAC. Mr. Funakoshi stated that he did not recall the TAC PIG agreeing to that. Ms. Sokugawa asked if the TAC PIG's recommendations were already sent to the Policy Committee. Mr. Gibson responded in the negative. Mr. Gibson informed TAC that the draft Comprehensive Agreement presented to TAC at today's meeting is the TAC PIG's report to TAC.

Vice Chair Suzuki stated that the TAC PIG only discussed the draft Comprehensive Agreement; they did not discuss the TAC Bylaws. Ms. Sokugawa asked if the TAC PIG should be discussing the TAC Bylaws. Mr. Gibson stated that, if the TAC PIG wants to discuss the TAC Bylaws, then it won't be discussed at today's TAC meeting; it's up to TAC.

Chair Tatsuguchi asked what the schedule was for the Comprehensive Agreement, all the way up to the final draft being presented to the Policy Committee. Mr. Gibson went over the schedule. Randolph Sykes stated that the Comprehensive Agreement needs to be approved by the City Council prior to it being signed. Chair Tatsuguchi stated that it also must be reviewed by the City's Corporation Counsel and the State's Attorney General; the Governor's office and legal counsel may also need to review it. Chair Tatsuguchi asked Mr. Gibson to come up with a schedule of all the Committee reviews, legal reviews, and approvals that need to happen before the Comprehensive Agreement can be fully executed; Chair Tatsuguchi asked that this schedule be emailed to the TAC members within a few days. Ms. Fischer stated that it's important to educate the Corporation Counsel's and the Attorney General's offices of the critical path to avoid delays in the process and to get this document approved in a timely manner.

Chair Tatsuguchi suggested that TAC should review a revised draft at their next meeting that includes all their comments prior to it being presented to the Policy Committee at their next meeting. Then, before July, TAC should review a revised final draft and make their recommendations to the Policy Committee; the Policy Committee would then act on the final draft. The legal reviews would occur after the revised draft and after the final document is approved by the Policy Committee.

Ms. Sokugawa stated that the Department of Planning and Permitting's (DPP) Corporation Counsel would like to be involved early in the process. In response to Chair Tatsuguchi, Ms. Sokugawa stated that each City department has their own Corporation Counsel. So, DTS has its own Corporation Counsel. Ms. Fischer stated that the education regarding critical path of Corporation Counsel's and Attorney General's offices should occur with the senior leadership of each body. Ryan Tam stated that Honolulu Authority for Rapid Transportation's (HART) Corporation Counsel has already reviewed the current draft. Mr. Gibson stated the Michael Lau, Land/Transportation Attorney General has already reviewed a draft; OahuMPO has an ongoing dialogue with him.

Chair Tatsuguchi stated that TAC would like to look at the logistics of the timeline to see if any steps are missing and to review the order in which the tasks should occur. Chair Tatsuguchi asked that Mr. Gibson add a fudge factor into the schedule. Ms. Fischer suggested that they should aim for May, since schedules always get pushed back. Chair Tatsuguchi agreed, stating that there are so many agencies and people involved, so there needs to be flexibility in the schedule.

Mr. Gibson stated that one of the issues is that the Legislature may make changes to Hawaii Revised Statute (HRS) 279E; that potentially impacts the Comprehensive Agreement. The Comprehensive Agreement cannot be made final until the law is in its final form. This will also impact the timeline. Mr. Sykes stated that we should know what the final form is by the last week in April.

Chair Tatsuguchi suggested that TAC members look at SB 1180 SD2. Not all that was requested to be in the bill is still in there; it made better sense to include some of it in the Comprehensive Agreement. TAC members need to make sure that the Corrective Actions are taken care of, and need to figure out how the processes are impacted.

<u>Discussion Regarding the Draft Comprehensive Agreement</u>
Regarding page 4, B.1 (g) & (h), Vice Chair Suzuki stated that, in the TAC PIG's discussion, they commented that the Legislative members must be from Oahu.

Lori Arakaki noted that the Policy Board's membership list in the draft Comprehensive Agreement they were reviewing is only one example of the membership. Mr. Gibson agreed; he stated that there are other examples in the memo addressed to the Policy Committee.

Vice Chair Suzuki stated that the TAC PIG came up with a composition of nine Policy Committee members, with the two legislators needing to be from Oahu. The discussion centered around how the Policy Committee has been unable to meet on numerous occasions due to a lack of quorum. They felt that having too many members on the committee may be a factor in the difficulty of achieving quorum. They also felt that it was more difficult for the State legislators to attend during the legislative session.

In response to Ms. Sokugawa, Mr. Gibson stated that Policy Boards made up of elected officials rely on their TAC to provide assurance that a project or plan they're voting on is feasible, has costs that seem reasonable, is achievable, and is technically feasible. The Policy Board can have

some confidence that, at a technical level, the project or plan has been reviewed and staff is on board.

Vice Chair Suzuki stated that the TAC PIG was also concerned that having only elected officials on the board would make it too political. Mr. Gibson stated that Federal rule 23 CFR states that a policy board for a TMA MPO must be comprised of locally elected officials and agencies that are in charge of major modes of transportation – DOT, DTS, and HART.

Chair Tatsuguchi stated that there should be agency directors on the Policy Board. Because the process is data driven, you need a non-political baseline. If the agencies are removed from the Policy Board, it will put more of a burden on the connectivity between the TAC and PC for a data-driven decision-making process. The MPO staff would also have an additional burden of passing on that recommendation.

Mr. Gibson stated that it's better for the Policy Board to hear directly from a representative of the agency. One way is to have department heads on the board. The other way would be to have a TAC member as a voting or non-voting member of the board.

In response to Mr. Funakoshi, Mr. Gibson stated that he has not seen anything in terms of Policy Board membership best practices. There are 400+ MPOs across the country; and they have a wide variety of compositions. The mean number of board members was nine. Besides the required elected officials, he named others that might serve as board members; the makeup would depend on the role that member(s) served in that area.

Ms. Fischer noted that New Jersey MPO has 40 members and Southern California Association of Governments has almost 50 members. This is because of the complexity of their communities. Membership for OahuMPO has to make sense for Oahu.

Chair Tatsuguchi stated that it is important for the Policy Committee to be presented with what is being discussed by TAC. He recommended that the TAC minutes from this meeting be sent to the Policy Committee so they can review the TAC recommendations and discussion.

Ms. Sokugawa stated that TAC representatives could be mandated to attend for a purpose or as a resource to the Policy Board, but not necessarily as a Policy Board member. Mr. Gibson stated that the goal is to find the best way to get a message from TAC up to the Policy Board members. Ms. Fischer stated that the Policy Board is not a technical body. The role of TAC is to advise the Policy Board about technical matters. She spoke of how staff from Federal Highway Administration is encouraged to make recommendation to their administrator.

Mr. Gibson stated that, recently, having technical staff present at a Policy Committee meeting to answer questions regarding projects in the TIP worked really well. Vice Chair Suzuki stated that OahuMPO should ask the agencies for more elaboration when the agency is providing justification for changing projects in the TIP. Mr. Gibson responded that it is very difficult to get agencies to do this; it's not high on their list of priorities. Also, you're asking them to provide answers to a question that may or may not be asked.

Vice Chair Suzuki stated that staff may make technical recommendations to a decision-maker. However, the decision-maker may react to the community, or there may be other factors in making the decision.

Chair Tatsuguchi stated that the political component and the technical component go hand-in-hand. It's important to have the technical component heard; it's part of the decision-making process. It is also important to streamline the process.

Mr. Gibson noted that the Comprehensive Agreement PC PIG will be meeting with members of the Citizen Advisory Committee (CAC) Certification Review Action Committee (CRAC). The CRAC will be making their case for why a CAC member should be a voting member on the Policy Board. If the CAC does become a Board member, Mr. Gibson felt that, for parity sake, a TAC member should also serve as a Board member.

Ms. Sokugawa questioned how the decision is made to make a member a voting member or a non-voting member. Mr. Gibson stated that it comes down to the Board deciding how it wants to organize itself.

Ms. Fischer stated that the federal policies and guidance strongly encourage land use-transportation coordination. Each affects the other.

Mr. Gibson stated that his intent today was to start the discussion and get comments from TAC. He will take those comments to the Policy Committee. Next month, they will be more discussion and more comments.

The members agreed that the Board should be composed of some elected officials and some departmental officials.

Chair Tatsuguchi stated that he didn't think that there should be TAC or CAC members on the Board. There is a TAC process and a CAC process that filters up to the Board. The process works as it is currently setup.

Vice Chair Suzuki stated that TAC and CAC are in advisory roles. If TAC and CAC representatives are put on the Policy Committee, then their roles change. They will now be calling policy. That's a big fundamental shift. Chair Tatsuguchi agreed. Ms. Sokugawa stated that she did not have a strong feeling about TAC and CAC being non-voting members. They cannot vote; they cannot make policy.

Addressing the difficulty of achieving quorum, Mr. Gibson stated that, as part of the Policy Board bylaws, it is being proposed that any member can designate an alternate. This would help with the quorum issue. If a Senator, for example, can't make it to a meeting, then the alternate would need to be another Senator; it can't be a staff member.

There was consensus among the TAC members that TAC and CAC should not have voting members on the Policy Board.

Chair Tatsuguchi stated that he did not want TAC and CAC members serving as non-voting member of the Board; the process works fine the way it is now. Ms. Sokugawa stated that she was not opposed to having them as non-voting members; they would get to ask questions of presenters. There was no consensus among the TAC members about this issue.

In response to Mr. Tam, Chair Tatsuguchi stated that, if the CAC becomes a voting member on the Board, the, TAC should also become a voting member of the Board.

It was felt the Alternative 1 (status quo) and Alternative 4 in the Executive Director's memo should be struck as alternatives.

Mr. Nakagawa stated that the Policy Committee is the decision-making board. The CAC and TAC are advisory committees, not decision-making committees. For the Policy Board, DOT, DTS, and HART are key members, because they are implementers of projects. Adding additional department heads to the board, as shown in Alternative 2, makes the Board unwieldy. These agencies could be called upon for consultation, rather than having them as standing entities on the Board. Chair Tatsuguchi agreed.

Mr. Funakoshi stated that land use and transportation need to be integrated. So, the planning departments – Department of Planning and Permitting (DPP) and Department of Business, Economic Development, and Tourism (DBEDT) or DBEDT-Office of Planning (DBEDT-OP) - should be included on the Board. Vice Chair Suzuki agreed. When DOT is doing transportation planning, land use plans are a critical factor. Chair Tatsuguchi stated that land use drives transportation, so DPP and DBEDT-OP should be on the Board. The TAC members agreed that DPP and DBEDT or DBEDT-OP should be voting members of the Board.

Ms. Sokugawa asked if agencies such as Hawaiian Homelands (HHL), Hawaii Community Development Authority (HCDA), and Office of Hawaiian Affairs (OHA) should be included on the Board, as shown in Alternative 2. Ms. Sokugawa stated that an argument for those entities not being on the Board would be that DPP and DBEDT have an overall islandwide perspective and these entities have only geographic specificity. Mr. Sykes stated that, irrespective of the fact that they're geographically specific, their decision-making affects transportation. Mr. Gibson stated that they and other entities, such as the military, could be made standing members of the Board that would be called to attend on an ad hoc basis. Tatsuguchi stated that HCDA, DHHL, OHA are already coordinated with DOT and the City through the development process.

In response to Mr. Tam regarding the function of the MPO, Ms. Fischer stated that the purpose of the MPO is to bring a unified voice to everybody's activities and provide the neutral ground for decision-making for the region.

In looking at roles, Mr. Nakagawa stated that the OahuMPO staff bring together the appropriate players and notify everybody of the various projects. The Policy Committee is the decision-making entity.

Chair Tatsuguchi and Ms. Arakaki agreed that the Board membership listing in the draft Comprehensive Agreement is the most similar to the composition that the TAC members agreed upon; also (f), (g), and (h) would need to be doubled. There would be 13 members with this configuration.

Ms. Fischer talked about the parity between the State voice and the City (local) voice. The State should have a higher elevation perspective. Whereas, the City and County is the regional decision-maker, it is more appropriate to the scale of an MPO, rather than the State. Vice Chair Suzuki stated that this was discussed at the TAC PIG meeting. He noted that the vast majority of MPOs on the mainland have very limited DOT representation. However, Hawaii has an unusual, different situation.

The members discussed the need to have verbiage that requires the House and Senate members to be residents of Oahu.

Chair Tatsuguchi stated that B.3. Alternative Members should have the same requirements as (f), (g), and (h).

Chair Tatsuguchi stated that it's a good thing to share with the Policy Committee that there was not always 100% consensus among the TAC members. He felt that this showed the passion the members have for their positions on various issues.

Chair Tatsuguchi asked the members to send any other comments they had on the Comprehensive Agreement to Mr. Gibson. Mr. Gibson will share the TAC comments with the Policy Committee. Chair Tatsuguchi also asked the members to review the draft TAC bylaws and send their comments to Mr. Gibson. Mr. Gibson noted that the draft bylaws are a draft created for discussion purposes.

Tatsuguchi stated that some of the comments may be sent after the TAC members receive the timeline from Mr. Gibson.

Ms. Arakaki stated that, once the HRS is approved, there will be no Policy Board members until the Comprehensive Agreement is approved. She asked if the Policy Board could still meet to discuss the Comprehensive Agreement. Mr. Gibson stated that the draft HRS says is that the Policy Board membership is defined in the Comprehensive Agreement. The Comprehensive Agreement defines the Policy Board membership. Mr. Gibson stated that he has asked the OahuMPO consultant who is helping with this effort to look at those differences and figure out if there is a fatal flaw in any of this.

Ms. Arakaki stated that the Policy Committee membership is defined in the current HRS. Mr. Gibson stated that it is also stated in the current Comprehensive Agreement.

Chair Tatsuguchi stated that the Comprehensive Agreement is initiated when the new statute is approved. So, there might be a gap of no Policy Committee. Mr. Gibson responded that they are looking into that. Chair Tatsuguchi asked that Mr. Gibson let the TAC know what he finds out about this issue.

Vice Chair Suzuki asked if the status quo stands until the Comprehensive Agreement is amended. Mr. Gibson stated that this is what he thought, too.

Ms. Sokugawa suggested that wording be added to the bill that would have the law take effect upon adoption of the Comprehensive Agreement, or within 90 days. She also suggested that the Governor could be asked to sign the bill into law at a later date, since there's leeway as to when he signs the bill. Chair Tatsuguchi stated that language to say that the bill goes into effect when the Comprehensive Agreement is in place may need to indicate an actual date. Chair Tatsuguchi suggested that Mr. Gibson talk to Mr. Lau about this.

Since the members needed to clear the room, Vice Chair Suzuki moved and Mr. Funakoshi seconded that the four remaining discussion items be carried over to the next TAC meeting (April 10). The motion was unanimously carried.

Ms. Sokugawa:

IX. REPORTS FROM COMMITTEE MEMBERS

Ms. Sokugawa announced that next week DPP has a St. Patrick's Day Halawa Makai Aloha Stadium TOD Plan Meeting for the public.

The meeting was adjourned at 10:55 a.m.