

Minutes of the
Oahu Metropolitan Planning Organization
TECHNICAL ADVISORY COMMITTEE

Tuesday, April 21, 2015, 9:30 a.m.
Waterfront Plaza, Tower 4, Suite 520
500 Ala Moana Boulevard, Honolulu, Hawaii

Members Present:

Brian Suzuki, Vice Chair	DTS	Lori Arakaki	DPP
Eugene Tian	DBEDT	Kathy Sokugawa	DPP
Rodney Funakoshi	DBEDT-OP	Eileen Mark	DTS
Dean Nakagawa	DOT	Elizabeth Fischer, ex officio	FHWA

Members Absent: Ken Tatsuguchi, Chair (DOT), Gordon Wong, ex officio (FAA), FTA ex officio (vacant), Gareth Sakakida, ex officio (HTA), A. Ricardo Archilla, ex officio (UH)

Guests Present: Ben Trevino (Bikeshare Hawaii), Matt Caires (CM Pine), Jade Butay (DOT), Asia Yeary (EPA), Ralph Rizzo (FHWA), Ryan Tam (HART), Tom Smyth (NB #13, CAC)

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

The meeting was called to order at 9:37 a.m. by Vice Chair Brian Suzuki. A quorum was present.

I. MINUTES OF THE MARCH 13, 2015 MEETING

Rodney Funakoshi moved and Dean Nakagawa seconded that the March 13, 2015 minutes be approved as circulated. The motion was unanimously carried.

Everyone introduced themselves.

II. DRAFT COMPREHENSIVE AGREEMENT AND POLICY BOARD BYLAWS

[Handout(s): Draft Comprehensive Agreement, including Policy Committee (PC) Permitted Interaction Group (PIG) Recommendations on the 3/24/2015 draft; Hawaii Department of Transportation (HDOT)'s review of the Draft Comprehensive Agreement, including Policy Committee (PC) Permitted Interaction Group (PIG) Recommendations on the 3/17/2015 draft]

Brian Gibson gave a presentation on the draft Comprehensive Agreement, which included the PC PIG recommendations.

[Eileen Mark arrived at 9:46 a.m.]

Vice Chair Suzuki stated that the terminology “*Technical Advisory Committee*” should not be used for other advisory committees that may advise the Policy Committee. A different terminology should be used, so there is no confusion. “*Technical Advisory Committee*” is the

name of this advisory committee. Any other advisory committee could have “*Advisory Committee*” tacked onto its name; for example, an advisory committee for Transit-Oriented Development (TOD) would be named the TOD Advisory Committee (TODAC).

Vice Chair Suzuki stated that the previous TAC PIG’s comment that the Policy Board (PB) should consist of nine members – directors from Department of Transportation (DOT), Department of Transportation Services (DTS), Honolulu Authority for Rapid Transportation (HART), Department of Planning and Permitting (DPP), and Department of Business, Economic Development, and Tourism-Office of Planning (DBEDT-OP); two City Council members, one Senator, and one Representative – should be presented to the Policy Committee. Mr. Gibson responded that he presented that comment to the PC PIG prior to them making their recommendations to the full Policy Committee. Vice Chair Suzuki requested that the TAC PIG comment be presented to the Policy Committee.

Rodney Funakoshi stated that the Department of Health (DOH) should not be a member of the PB. Instead, DOH could be a member of TAC, as they can provide relevant input at the TAC level.

Mr. Funakoshi moved and Kathy Sokugawa seconded that the TAC recommend that DOH not be included on the PB, but instead be included as a member of TAC.

Dean Nakagawa questioned the correlation between health and transportation, even at the TAC level. DOH could be consulted on a project-by-project basis, as needed.

In response to Eugene Tian, regarding the number of members on TAC if DOH was added to the membership, Mr. Funakoshi stated that quorum would then be seven members.

Vice Chair Suzuki asked if the draft PB Bylaws require mandatory attendance and removal if a member does not attend a required number of meetings. Mr. Gibson responded that the draft PB Bylaws state that a State board member can be removed, per HRS 92-15.5, if that member is absent (unexcused) for three or more consecutive meetings. The Chair can request that the appointing body designate a person to replace that member.

A vote was taken on the motion. The motion was unanimously carried.

Mr. Funakoshi stated that any other advisory committee should be on the subcommittee level, as opposed to being on the same level as TAC and the Citizen Advisory Committee (CAC).

Mr. Gibson stated that the advisory committees are identified in the PB Bylaws. In the current draft of the PB bylaws, TAC, CAC, and the TOD TAC are all on an equal level.

Ms. Sokugawa stated that someone had previously told her that there are two different kinds of participants – people who can move the decision forward and people who are there to help influence the decision and nothing more. The latter is not bringing any implementation abilities, but they’re weighing in. The TAC participating agencies are the movers – the member agencies that are providing the funding and can implement the projects and are providing modeling and

land use data, and population projections. The TAC subcommittees are weighing in. So, in that sense, the TAC is at a level above the TAC subcommittees. Mr. Nakagawa stated that committee stature should be based on roles and responsibilities.

Mr. Funakoshi moved and Mr. Nakagawa seconded that TAC recommend that the TOD advisory committee and any other technical advisory committee be subordinate to TAC.

Ms. Mark stated that most, if not many, of the TAC members would probably be asked to serve on the TOD advisory committee. So, it would be a duplication of effort – more staff time needed, more administrative costs, etc. Vice Chair Suzuki agreed.

Ms. Sokugawa stated that DPP has not taken a position on whether OahuMPO should have a TOD advisory committee. She asked what the purpose of the group was; what will be discussed that is not already being discussed now.

Mr. Funakoshi stated that the TOD advisory committee should be assigned to a subcommittee status that can be more like an ad hoc committee.

In response to Ms. Sokugawa, Mr. Gibson stated that the idea of adding a TOD advisory committee came from the PC FIG. Ms. Sokugawa stated that, before this idea was brought up, there are monthly meetings, organized by the State Senate, with the Legislature on the State TOD – attendees included Ms. Sokugawa, Mr. Funakoshi, a HART representative, and all the State agencies, as well as City agencies. So she questioned if there is still a pressing need to convene a TOD advisory committee. Mr. Funakoshi agreed that TOD is very well covered, so he stated that the TOD advisory committee should be removed from the PB Bylaws.

Vice Chair Suzuki asked if there can be a formalized TOD subcommittee of the TAC.

Mr. Nakagawa stated that, if there are additional TACs created – using different staff from different divisions of the TAC participating agencies than those staff that are on the main TAC – then that could lead to divisiveness within department; it could pit one division against another division.

Mr. Funakoshi revised his motion to add that TAC questions the necessity for a TOD TAC, and that TAC recommends that this TOD advisory committee, if deemed necessary, be relegated to a subordinate status to the TAC. Mr. Nakagawa seconded the revised motion.

Vice Chair Suzuki stated that Elizabeth Fischer suggested the following verbiage: *“The TAC, at its own discretion and upon approval of the majority, may form a formal subcommittee.”*

Ms. Sokugawa and Mr. Funakoshi both stated that subcommittees could be formed for a number of purposes besides TOD – such as bike-ped, health, noise pollution, etc.

Dr. Tian questioned whether a TOD advisory committee is necessary. If it is necessary, it should be under TAC.

Mr. Nakagawa moved that the motion be modified to state that TAC recommend that: 1) the draft Comprehensive Agreement and PB Bylaws should remove all references regarding the creation of an additional TAC; and 2) TAC, as the necessity arises, may form subcommittees. The modified motion was seconded. The motion was unanimously carried.

Mr. Funakoshi stated that the draft Comprehensive Agreement should be revised to allow the PB members who are departmental directors to appoint alternates that are not deputy directors, since not all departments have a deputy director. The director should have the flexibility to designate a manager as his/her alternate to the PB.

Mr. Gibson stated that the current draft TAC bylaws state that the director and deputy director cannot be a TAC member. The director or deputy director can serve at the PB level and anyone under them can serve on the TAC level. If the draft Comprehensive Agreement is amended to allow managers to be appointed to the Policy Board, then you could potentially have the same person on both the PB and TAC.

Ms. Fischer suggested using the terminology “deputy director or equivalent”. Mr. Funakoshi was okay with that phrase or “second in command.” Ms. Fischer stated that keeping “equivalent” leaves it open to interpretation, since it doesn’t specify titles. Ms. Sokugawa preferred to not use the term “equivalent”, since equivalent to a deputy could mean another appointee.

Ms. Sokugawa stated that the director should be able to delegate whomever he or she wants; whoever the director thinks is appropriate. The director should be given the flexibility, since some departments don’t have deputies and some directors may have a clear preference to send someone other than the deputy.

Mr. Nakagawa stated that, if it’s an occasional assignment of an alternate, then he saw no problem with having a manager as an alternate. However, if the director wants to assign his appointed TAC member as his permanent designee to the PB, then the director should instead assign someone else to serve on the TAC.

In response to Mr. Funakoshi, Mr. Gibson stated that there was some support among the Policy Committee for allowing PB elected members to designate an alternate. There was broad support among the Policy Committee for allowing departmental directors to designate their PB seat to their deputy directors.

Vice Chair Suzuki agreed with Mr. Nakagawa that the director should be the member, rather than designating a deputy director as the permanent designee. It becomes a problem if it is a permanent or semi-permanent designee. The main purpose of having alternates is to ensure a quorum so the agenda can keep moving. If it’s a temporary situation, the director should be able to designate whomever he/she wants. That needs to be clarified.

Mr. Gibson stated that the intent of the delegation is not for the director to have an alternate. The director would delegate someone to be the PB member in his/her place. So, if the director shows

up at a meeting, he/she would not be able to sit at the table as a member. The alternate would serve as the member until the director informs OahuMPO otherwise.

Vice Chair Suzuki stated that the terms “*delegation*” and “*designation*” need further clarification; it should be clearly defined in the bylaws. He sees the delegation as a temporary measure, since the member is the director; the director would assign a person only if he/she can’t make a meeting.

In response to Mr. Gibson, Pamela Toyooka clarified that, any State or City departmental director may appoint, with the approval of the Governor or the Mayor, respectively, an officer or employee in his/her agency to serve as the acting agency head during the agency head’s temporary absence or illness.

Mr. Funakoshi stated that a designee could also be an alternate.

Mr. Nakagawa stated that the member should not be able to relinquish their seat on the PB, but should be able to send an alternate when necessary.

Vice Chair Suzuki stated that a director can direct his alternate on how to vote on agenda items.

Mr. Nakagawa stated that, among other agencies, the Office of Planning does not have a deputy director; so who would be a comparable alternate. Do they have the flexibility to assign someone else? Vice Chair Suzuki stated that he agreed with using “*comparable*”, as suggested by Ms. Sokugawa.

Ms. Sokugawa stated that it shouldn’t matter who the director designates or appoints as his/her alternate, as long as that person acts on the director’s behalf. Mr. Gibson stated that there could be a problem with having a TAC member who also is designated to act on behalf of the director on the PB – being both an advisor to the PB and a policy maker. Ms. Sokugawa stated that the TAC member may have their own personal feelings, but the person ultimately represents their department. Ms. Sokugawa questioned whether there have been any instances where a TAC member voted against his/her departmental director; the likelihood of that occurring is near 0%.

Mr. Funakoshi stated that the wording could be “*deputy director or designee*”. This would communicate that you want somebody who is not on a lower staff level.

Mr. Funakoshi moved and Mr. Nakagawa seconded that TAC recommend that section B.2. be amended to say “a deputy director or designee may be delegated....”

Randolph Sykes stated that, previously, some directors sat on both the TAC and PC; however, he did not know the reason why the directors were removed from TAC. Lori Arakaki responded that it was based on a suggestion in the Federal Certification Review. Mr. Nakagawa stated that, from a technical standpoint, you don’t want a politically appointed person on the TAC to influence or sway TAC. In that situation, the other TAC members may hold back and not be frank about certain issues. Ms. Sokugawa stated that TAC this is a technical group; so some directors may not be able to understand or discuss detailed or complex technical issues.

A vote was taken on the motion. The motion was unanimously carried.

Ms. Sokugawa stated that DPP's comments are on its way to OahuMPO. On page 4, B.1. (h) and (i), "and" should be added at the end of the phrases B.1.(h)a. and B.1.(i)a. Per Mr. Gibson, no motion was needed to make this change.

Ms. Sokugawa moved and Mr. Funakoshi seconded that TAC recommend that the item that used to be B.3 (Alternate Members) in the previous draft be amended to read that "Directors may appoint alternate members to attend Policy Board meetings for their department."

Mr. Gibson asked if this motion includes elected officials, too. Ms. Sokugawa responded that DPP had no stance on that. Mr. Funakoshi stated it wouldn't be appropriate to have legislative staff serving as alternates. In response to Ms. Sokugawa, Mr. Gibson clarified that, at one time, it was considered to allow elected officials to have alternates. So, the Speaker of the House and the Senate President would have been able identify three House and Senate PB members and three House and Senate alternates; staff could not serve as alternates.

Ms. Sokugawa clarified her motion: "Directors may appoint alternate members to the Policy Board. The appointment may be a delegation of authority or a temporary appointment." The motion was unanimously carried.

Mr. Nakagawa noted that the numbering in the draft Comprehensive Agreement needs to be fixed, as there is already a B.3. in the current draft, as well as existing text in what used to be B.3.

In response to Ms. Sokugawa, Mr. Gibson stated that the Executive Committee, currently, is essentially an agenda advisory committee. The new proposal is that the Chair will still set the agenda, and the Executive Committee would be a resource for the staff to get a sense at the policy level if they support an idea and a resource for the PB. The PB could ask the Executive Committee to discuss an issue and get back to the PB. It would essentially be a standing subcommittee. It would be less formal than the full PB. Ms. Sokugawa stated that it sounds informal, but it also sounds too formal. Those meetings would fall under the Sunshine Law, so meeting notices would need to be posted, minutes would need to be taken, etc. This would take up staff time. Instead, this could be handled in a telephone call.

Ms. Sokugawa moved and Mr. Funakoshi seconded that TAC recommend that (item B.7) the Executive Committee be dropped; if necessary, other activities can be carried out via informal conversations.

In response to Mr. Nakagawa, Mr. Gibson stated that no one is requiring the Executive Committee. Ms. Sokugawa added that it is a tradition. Historically, Executive Committee meetings would be an educational session for new officers, as well as a discussion regarding the choice of agenda items; it was more of a briefing or pre-meeting.

A vote was taken. The motion was unanimously carried.

Ms. Sokugawa stated that every time “*OahuMPO staff*” is mentioned in the document, the word “*independent*” is used to describe the staff. She questioned why it needed to be included in every instance throughout the document. In response to Ms. Sokugawa, Mr. Gibson stated that it is in the current Comprehensive Agreement; it goes back a number of years, to a time when DOT staff was serving as OahuMPO staff. Ms. Fischer stated that OahuMPO’s original decertification in 1980 resulted from a lack of independent staff. Mr. Gibson stated that OahuMPO staff has to be independent of the State and City and County. Ms. Sokugawa stated that it should be explained and defined once in the document; it doesn’t need to keep appearing throughout the document. Ms. Sokugawa requested clarification on the reference to “*independent*”. Why does it have to appear so many times throughout the document?

In reference to section C.1. Funding, Ms. Sokugawa asked what would happen if the interagency supplemental agreement is not approved or if OahuMPO ends up with a smaller amount of funds than OahuMPO recommends. Mr. Gibson responded that the Policy Board would have to decide what to cut from the Overall Work Program (OWP).

In reference to section D.3. Powers and Duties of the OahuMPO Executive Director, Ms. Sokugawa stated that language needs to be clarified regarding the duties of the Executive Director with regard to providing information when appearing before the State Legislature and City Council. The information should be based on the adopted multi-modal transportation planning program for Oahu. On D.3(b), Ms. Sokugawa questioned the use of the phrase, “*the Executive Director certifies that the City and State plans are consistent with the ORTP and other plans*”. Actually, it should be certified that the ORTP is consistent with the City and State plans. The ORTP is based on the State and City plans, not the other way around. Mr. Funakoshi stated that this is a request for clarification.

In reference to section D.3(a), Ms. Fischer stated that FHWA has an issue with this statement, “*Serve in an advisory capacity to the State Legislature...*”

In response to Ms. Sokugawa, Mr. Gibson stated that, when, for example, the Executive Director appears before the City Council or the State Legislature, the Executive Director has no authority to say anything other than what the MPO has done and what the plan says. The Executive Director is essentially providing information to those bodies. This doesn’t detract from the PB making decisions as required by the Federal government.

III. FYS 2016-2017 OVERALL WORK PROGRAM PUBLIC REVIEW DRAFT

[Handout(s): Draft FYs 2016-2017 OWP]

Mr. Gibson gave a presentation on the draft FYs 2016-2017 OWP and requested comments from TAC prior to it going out for public review and intergovernmental review.

Regarding the performance-based pooled training fund, Ms. Fischer stated that these funds can be used by the TAC participating agencies, as well as OahuMPO staff, for training in the performance-based planning program. In response to Ms. Sokugawa, Ms. Fischer stated that these pooled funds are different from other federal funds; Ms. Fischer stated she would check on

the rules and regulation regarding these funds. In response to Ms. Sokugawa, Ms. Fischer stated that these funds could not be used for travel purposes.

Mr. Funakoshi asked if the intergovernmental review will entertain additional projects or is OahuMPO just asking for comments on the circulated draft. Mr. Gibson stated that the purpose of the intergovernmental review is to obtain comments on the circulated draft.

Ryan Tam asked the members if their agency dues are included in their agency's budgets. Vice Chair Suzuki responded that DTS does budget an amount that they anticipate will be needed. Over the past couple of years, the amount has ranged between \$120,000 and \$125,000.

Ms. Sokugawa moved and Mr. Funakoshi seconded that draft FYs 2016-2017 OWP be forwarded for review by the intergovernmental agencies and the public. The motion was unanimously carried.

IV. OAHUMPO'S TRANSPORTATION ALTERNATIVES PROGRAM

[Handout(s): Draft Transportation Alternatives Program (TAP), TAC Draft (April 21, 2015)]

Mr. Gibson gave a presentation on the draft OahuMPO's TAP.

Vice Chair Suzuki stated that DTS is developing a Complete Streets Design Manual. He request that this be referenced on page 4.

In response to Vice Chair Suzuki, Mr. Gibson stated that TAP came about from putting together several former Federal programs – including the Transportation Enhancement and Safe Routes to School programs. What used to be eligible under Safe Routes to School is now eligible under TAP; Safe Routes to School funds are still available to be spent in Hawaii. Vice Chair Suzuki requested that clarifying language be added that states that Safe Routes to School funds are now included in TAP and that there are funds available.

With regard to evaluation criteria, Vice Chair Suzuki stated that, if there is a court order or a legal obligation to do a project, then that project should be considered a high priority project. Ms. Sokugawa stated that consistency with State and City plans should be given more weight.

Mr. Fischer stated that TAP projects are in the TIP management process, so projects can be moved up or back like TIP projects.

Mr. Funakoshi moved and Dr. Tian seconded that the meeting be extended to 11:45 a.m. The motion was unanimously carried.

Mr. Funakoshi moved that Dr. Tian seconded that TAC recommend approval of the draft TAP including the revisions and additional verbiage as discussed by TAC. The motion was unanimously carried.

**V. CONSIDER FORMATION OF CONGESTION MANAGEMENT PROCESS
SUBCOMMITTEE**

Mr. Gibson stated that OahuMPO is asking for the formation of the Congestion Management Process Subcommittee. There is an existing Congestion Management Process. However, policies and procedures need to be developed to define how it gets used. Eventually, the Congestion Management Process will be updated.

Chris Clark stated that the subcommittee is needed to develop the policies and procedures, to assist in developing and reviewing the request for proposals, and possibly sit on the evaluation committee.

Mr. Nakagawa moved and Ms. Mark seconded that TAC form a subcommittee with staff from the following participating agencies – DOT, DTS, DPP, and HART. The names of the staff would be provided later.

Vice Chair Suzuki recommended that the discussion items on the agenda be carried over to the next TAC meeting. The meeting was adjourned at 11:40 a.m.