

Minutes of the  
Oahu Metropolitan Planning Organization

**POLICY COMMITTEE**

Thursday, February 19, 2009, 4:00 p.m.  
Hawaii State Capitol, Conference Room 312  
415 South Beretania Street, Honolulu, Hawaii

**Members Present:**

Councilmember Gary Okino, Chair  
Representative Marilyn Lee, Vice Chair  
Councilmember Nestor Garcia  
Councilmember Rod Tam  
Representative Karen Awana

Representative Joseph Souki  
Senator J. Kalani English  
Senator Will Espero  
DOT Director Brennon Morioka  
DTS Director Wayne Yoshioka

**Member(s) Absent:** Councilmember Donovan Dela Cruz, Councilmember Barbara Marshall, and Senator Carol Fukunaga

**Guests Present:**

Mary Schmidtke (Councilmember Bainum)  
Kendall Amazaki (Councilmember Djou)  
Robert Sato (Councilmember Okino)  
Karen Yorimoto (Senator Fukunaga)  
Tom Heinrich (Senator Taniguchi)  
Glenn Soma (DOT, TAC)  
Patrick Tom (DOT)

Jill Yamanouchi (DOT)  
Mark Au (DTS, TAC)  
Elizabeth Fischer (FHWA, TAC)  
Tom Smyth (NB #13, CAC)  
Dave Arakawa (LURF, CAC)  
Frank Genadio (Makakilo resident)

**OahuMPO Staff Present:** Gordon Lum (Executive Director), Lori Arakaki, and Pamela Toyooka

*Chair Gary Okino called the meeting to order at 4:03 p.m. A quorum was present.*

**I. MINUTES OF THE JANUARY 26, 2009 MEETING**

*Councilmember Nestor Garcia moved and Department of Transportation (DOT) Director Brennon Morioka seconded that the minutes of the January 26, 2009 meeting be accepted as circulated. The motion was unanimously carried.*

**II. REVISION #10 TO THE FYs 2008, 2009, 2010, AND 2011 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – ECONOMIC STIMULUS PROJECTS**

*Handouts: FYs 2008-2011 TIP Draft Revision #10 (Amendment); Intergovernmental Review Comment Summary of Draft Revision #10 to the FYs 2008-2011 TIP; Public Review Comment Summary of Draft Revision #10 of the FYs 2008-2011 TIP*

*[Senator Will Espero arrived at 4:05 p.m.]*

Gordon Lum gave a presentation on draft Revision #10 to the FYs 2008-2011 TIP – Economic Stimulus Projects. Draft Revision #10 was developed to program projects using potential economic stimulus funds and was based on the best information available at the time. Mr. Lum gave a best-guess estimate of funds that might be made available and the amount of funds programmed in the draft revision. Mr. Lum went over the key deadlines and milestones associated with these funds. Mr. Lum noted that a TIP revision may be needed in the future in order to reflect the actual amount of funds that are made available. Mr. Lum also went over the list of projects, the results of the technical analysis (including the Congestion Management Process, project evaluations (consistency with the Oahu Regional Transportation Plan 2030 and the Oahu Regional Intelligent Transportation Systems Architecture), Title VI and Environmental Justice analysis, and the Technical Advisory Committee recommendation), the intergovernmental review comments, and the public review comments.

#### Questions and Answers

In response to Chair Okino, Mr. Lum stated that, of the \$166 million in economic stimulus funds programmed Statewide for highway projects, about \$60 million was programmed for highway projects on Oahu.

*[Senator J. Kalani English arrived at 4:19 p.m.]*

In response to Chair Okino's and Vice Chair Marilyn Lee's questions regarding transit funds, Department of Transportation Services (DTS) Director Wayne Yoshioka responded that the City is the primary recipient of urban transit funds. Director Morioka added that the rural transit funds go through DOT as a pass-through to the Neighbor Island counties.

*[Councilmember Rod Tam arrived at 4:20 p.m.]*

In response to Vice Chair Lee, Mr. Lum stated that the amount programmed for transit projects is \$42.9 million.

Director Yoshioka stated that it was unclear as to whether the City must "obligate" or "award" their projects and if it must be done by a specific time period, as several time periods have been mentioned. He asked, if the requirements are determined to be less restrictive, whether the City would have an opportunity to include other projects through a TIP revision.

Mr. Lum added that, from his understanding: 1) for the Federal Highway Administration (FHWA) funds, the action is "obligation" rather than "award"; and 2) DOT is expected to obligate 50% of the funds within the first 120 days with State projects, so meeting this deadline should not be an issue. The counties would only have to meet the one-year deadline to obligate the highway funds.

Director Morioka clarified this issue. The way the bill is written, it only requires 30% of the funds to be suballocated to the counties, which means that Oahu's suballocation could be anything less than 30% of the Statewide total. There is no requirement that distribution of federal funds be made to the counties; there is only an obligation to spend monies within the

counties. DOT is currently working on their list, as well as the lists the counties presented. 30% of suballocated funds have the requirement to be obligated within one year. Basically, 100% of the funds are available to the State on day one. Requirement number one is that 50% of the total has to be obligated within 120 days upon appropriation of the funds. The remaining 50% must be obligated within one year. It also needs to be remembered that the project must be completely closed, not just completed, within three years of enactment. All agencies are encouraged to obligate the funds as early as possible. DOT will try to obligate as much of it as possible early on and then get construction done as early as possible, so they do not run the risk of going over the three-year deadline.

Director Morioka stated that DOT will be holding a videoconference meeting on Monday with the counties, Senator Daniel Inouye's office, and FHWA. There will be updates from Senator Inouye's office and FHWA, as well as an update from DOT on the process that has been followed to date. There will be a proposal on the table for a starting point for the lists of projects and the timing of the projects based on all the lists. There will be a discussion on the swapping of projects.

In response to Chair Okino, Director Morioka explained that "obligation" is basically when a project is ready to be advertised to solicit bids. DOT submits it to FHWA for their concurrence. Once DOT receives the approval or concurrence from FHWA to obligate the funds, then DOT advertises to solicit bids. It is basically a step in the process prior to advertising. Elizabeth Fischer added that "obligation" is when a state has made a commitment to spend the money.

Councilmember Garcia asked if the Policy Committee should still act today, even though there is not a definite dollar amount. Director Morioka responded that they purposely over-programmed projects in the draft revision. In addition to the \$127 million in supplemental formula funds that that State will receive, there is also \$1.5 billion in competitive grant monies available. In case Hawaii gets competitive grant monies, they will not have to go through the whole process again. This draft revision is proactive in anticipating the receipt of competitive grant monies.

Given that DTS will have a longer period to obligate the funds than what was originally understood, Director Yoshioka asked what is required if DTS wanted to swap projects. Based on his understanding, Mr. Lum stated that Title 23 requirements still apply – meaning that new projects need to go through all the steps (including public comment, technical review, and Policy Committee approval). The next scheduled TIP revision begins in May.

Director Yoshioka asked if all their projects can go under the one-year obligation requirement. Director Morioka responded that it would not be all the DTS projects. Director Yoshioka noted that Gordon had just stated that the State would probably obligate 50% of the funds with State projects within the first 120 days. Director Morioka responded that they could, if that is the decision that all the first 50% is going to be DOT projects. Director Yoshioka stated that DTS could have some projects ready to go tomorrow. However, DTS also has some projects that would not be ready within the 90-day programming period; so, those projects were not included in the draft revision. Mr. Lum asked if the projects were currently in the TIP. Director Yoshioka responded that some are and some are not. Mr. Lum responded that, if the projects are

in the TIP, then there is flexibility to administratively move them from formula funds to economic stimulus funds. Those projects not currently in the TIP will be required to go through the amendment process. Director Yoshioka stated that he wanted assurance that the projects now in the draft revision can move forward, with the option of swapping some out in the May revision. Mr. Lum noted that this would shorten DTS' time to obligate the affected projects by several months, since these projects must first be in the TIP.

*[Representative Joseph Souki arrived at 4:33 p.m.]*

Director Morioka noted that, if the counties don't use their portion of the funds by the deadline, the funds will have the potential to go back to the federal government. To avoid this, DOT will be requiring that projects be advertised no later than October. DOT will need to know such factors as, if the bids come in high or if there is a protest. The projects cannot jeopardize the funds. DOT needs time to adjust and to possibly take those funds away and reprogram them for other projects. The funds must be obligated by August or September.

Director Yoshioka stated that some of their priority projects just missed the cutoff of making the 90-day programming period. DTS originally thought they only had a 90-day programming period, but now they find out they have a longer period. Director Morioka responded that everyone just found out this past Friday.

Mr. Lum stated that the amount of funds is also an issue. There is not enough economic stimulus money to fund all the projects currently in the draft revision, as well as those projects DTS would like to add. Director Yoshioka stated that the other projects DTS wants to add to the TIP are of higher priority than some of the projects currently in the draft revision. So, DTS would swap out those lower priority projects for the higher priority projects.

Representative Souki asked if DOT had setup a system for the Neighbor Island with their mayors. Director Morioka responded that DOT has been discussing this with the Neighbor Island mayors and directors.

Chair Okino noted that, if Hawaii spends all the funds on time, it will be eligible to potentially receive more funds.

Chair Okino asked if anyone from the public wanted to testify on this agenda item. No one offered testimony.

Representative Karen Awana asked how the projects that were not previously on the TIP list were placed on the draft revision for economic stimulus funds. Mr. Lum stated that, due to stringent obligation deadlines, projects being placed on the draft revision needed to be shovel-ready.

Representative Awana asked if economic stimulus funds can be used for the design of a project. Mr. Lum responded that, although design is an eligible cost item, priority is given to construction projects, as these have the greatest potential to create new jobs, which is a goal of this effort.

*Senator English moved and Councilmember Garcia seconded that Revision #10 to the FYs 2008-2011 TIP be approved. The motion was unanimously carried.*

### **III. CITIZEN ADVISORY COMMITTEE (CAC) MEETING HIGHLIGHTS**

CAC Chair Dave Arakawa gave highlights of CAC meetings that have been held since the last Policy Committee meeting. The CAC: 1) heard presentations on the DOT Safe Routes to School Program and the DOT Highway Modernization Program; 2) was informed of the status of the FYs 2008-2011 TIP Draft Revision #10; and 3) formed a TIP Subcommittee to develop recommended projects and priorities for consideration in the development of the FYs 2011-2014 TIP.

*There being no other business, the meeting was adjourned at 4:42 p.m.*