

Minutes of the  
Oahu Metropolitan Planning Organization

**POLICY COMMITTEE**

Thursday, June 19, 2014, 1:30 p.m.  
Honolulu City Council Committee Meeting Room, Room 205  
530 South King Street, Honolulu, Hawaii

**Members Present:**

Senator Will Espero, Chair		Senator J. Kalani English
Councilmember Breene Harimoto, Vice Chair		HDOT Interim Director Ford Fuchigami
Councilmember Carol Fukunaga		DTS Director Michael Formby
Councilmember Ron Menor		HART Executive Director & CEO
Representative Henry Aquino		Dan Grabauskas
Representative Ryan Yamane		

**Member(s) Absent:** Councilmember Joey Manahan, Councilmember Kymberly Pine, Representative Sharon Har, and Senator Donovan Dela Cruz

**Guests Present:**

Valerie Sadural (CM Manahan)		Dick Poirier (CAC, NB #25)
Hannah Miyamoto (CAC, Beautiful Honolulu Foundation)		Michael Golojuch (CAC, Palehua Townhouses)
Andrea Anixt (CAC, Kaaawa Community Association)		Elizabeth Fischer (FHWA) Mayela Sosa (FHWA)
Tom Smyth (CAC, NB #13)		Kathy Sokugawa (DPP)
Karen Loomis (CAC, NB #25)		Gil Riviere

**OahuMPO Staff Present:** Brian Gibson, Randolph Sykes, Marian Yasuda, Lynne Kong, Pamela Toyooka

*The meeting was called to order at 1:32 p.m. by Chair Will Espero. A quorum was present. The members introduced themselves.*

**I. MINUTES OF THE MAY 16, 2014 MEETING**

*Hawaii Department of Transportation (HDOT) Interim Director Ford Fuchigami moved and Councilmember Carol Fukunaga seconded that the minutes of the May 16, 2014 meeting be approved as circulated. The motion was unanimously carried.*

**II. CAC MEMBERSHIP APPLICATION**

*[Honolulu Authority for Rapid Transportation (HART) Executive Director Dan Grabauskas arrived at 1:37 p.m.]*

Chair Espero stated that Beautiful Honolulu Foundation (BHF) had submitted an application for Citizen Advisory Committee (CAC) membership. Hannah Miyamoto of BHF stated that the

incorporated organization is dedicated to research and education on sustainable development. It focuses on the multi-faceted nature of how issues such as transportation, land use, and county development all relate to each other. The members questioned Ms. Miyamoto regarding BHF – including questions regarding incorporation, membership, and funding.

*Vice Chair Harimoto moved and Director Fuchigami seconded that Beautiful Honolulu Foundation be appointed to the CAC. The motion was unanimously carried.*

[Representatives Henry Aquino and Ryan Yamane arrived at 1:47 p.m.]

### **III. FINAL DRAFT FYS 2015-2016 OVERALL WORK PROGRAM**

*[Handouts: Final Draft Overall Work Program (OWP) Fiscal Years (FYS) 2015-2016; Comment Summary of the Intergovernmental Review of the FYS 2015-2016 OWP; Comment Summary of the Public Review of the FYS 2015-2016 OWP]*

[Councilmember Ron Menor arrived during the presentation at 2:02 p.m.]

Director Gibson gave a presentation on the final draft FYS 2015-2016 OWP – development timeline, projects, funding, intergovernmental comments, and public comments.

Director Gibson added that HDOT and Federal Highway Administration (FHWA) are implementing fiscal management changes with regard to how OahuMPO's planning grant will be administered. All work elements and financial resource needs should be programmed each year. Only encumbered consultant contracts will stay in past year grants. Each year's Federal funding is obligated and past years' unspent funds are de-obligated. OahuMPO's financial resources will always be in the current year. If a project is obligated, but not encumbered within the year of obligation, the funds will need to be re-requested in the next year's OWP. For consultant contracts, staff funding to procure and execute the contract will be funded in the first year; the funds for the consultant contract will be funded in the second year.

Director Gibson noted that, following approval of FYS 2015-2016 OWP, OahuMPO staff will start a major amendment to bring all unencumbered projects into FY 2015. OahuMPO loses its "reserves"; it will need to budget accordingly, so it does not run out of funds for necessary work. The unspent local matches from previous years will be used to offset the current year's match requirements.

With regard to the unspent local match from prior years, Department of Transportation Services (DTS) Director Michael Formby asked if the amount is known. Director Gibson responded that the City and County approved a budget of \$165,000 for FY 2015; it is very likely that OahuMPO will not be asking for more funding in the amendment than what is available from past obligations.

In response to Representative Yamane, Director Gibson stated that, under the old system, if all of the funds weren't spent, it would still be there as reserves; and we would spend the older dollars first. However, moving forward, each year we would ask for what we need for that year; and the past year's funding would be deobligated and go away.

In response to Representative Yamane, Director Gibson stated that the OahuMPO is currently working on a contract for modeling work using FY 2014 funding. So, we're encumbering \$150,000 in FY 2014 funds for this. After this is approved, OahuMPO will request FY 2015 funds for Department of Planning and Permitting (DPP) contract for work on their land use model.

In response to Representative Yamane, with regard to budgeting for the OahuMPO travel demand forecasting model consultant, Director Gibson stated that OahuMPO is working with the consultant that they are trying to put under contract to come up with a budget estimate for various tasks that they foresee needing. The \$150,000 budgeted in FY 2014 will not be sufficient for this contract.

In response to Honolulu Authority for Rapid Transportation (HART) Executive Director Dan Grabauskas, Director Gibson stated that, once the funds are encumbered, it remains encumbered.

#### Testimony

Andrea Anixt (CAC, Kaaawa Community Association) testified that a North Shore Corridor Study was supported by the CAC for inclusion in the OWP. It was not included in the draft OWP. She testified in support of including a North Shore Corridor study in the OWP.

Director Gibson stated that no agency has firmly committed to the local match and there are insufficient OahuMPO staff resources to support the study.

Director Formby asked about project prioritization. Director Gibson responded that the current process is to bin them; within the bins, there's no prioritization. One of the recommendations from the OWP Process and Procedures TAC working group is a more robust evaluation process precisely for that purpose.

Representative Yamane asked if the TAC recommendations and changes from the last TAC meeting, where they recommended approval of the draft OWP, were included in the Policy Committee draft document. Director Gibson responded that any recommendations and changes to the draft OWP from the TAC are incorporated into the draft document presented to the PC.

*Vice Chair Harimoto moved and Director Grabauskas seconded that the FYs 2015-2016 OWP be approved. The motion was unanimously carried.*

#### **IV. INITIAL REGIONAL TRANSPORTATION GOALS AND OBJECTIVES**

*[Handouts: Draft Regional Goals & Objectives from TAC (as of June 3, 2013)]*

Director Gibson gave a presentation on the draft regional goals and objectives. They will serve as goals and objectives for the ORTP 2040. Policy Committee approval will allow staff to begin to identify non-federally-mandated performance measures. They will fulfill a recommendation of the 2011 Federal Certification Review. Both CAC and TAC have recommended Policy Committee approval of the goals and objectives.

In response to Director Formby, Director Gibson stated that there may be a mixture of qualitative and quantitative performance measures. OahuMPO will hire a consultant to look at the goals and objectives and make recommendations, vet them, look at existing data sources, and determine if performance measures can be measured with existing data sources. If not, they will propose what data needs to be collected in the future and make a recommendation to the Policy Committee.

In response to Director Formby, Director Gibson stated that the performance measures measured against the way the transportation system operates. Director Formby asked if it is the system as a whole versus the agencies. Director Gibson responded in the affirmative.

*Councilmember Harimoto moved and Director Formby seconded that the Regional Goals & Objectives be approved. The motion was unanimously carried.*

## **V. AGREEMENT FOR DISTRIBUTION OF HAWAII'S FEDERAL PLANNING FUNDS**

*[Handouts: Draft Agreement – Hawaii's Planning Funds Distribution Formula to the MPO's]*

Director Gibson went over draft agreement that would determine how the federal planning funds would be split among the OahuMPO and the Maui MPO. HDOT concurs with this draft agreement. Maui MPO's Corporation Counsel and OahuMPO's Deputy Attorney General are currently reviewing it for approval as to form. Director Gibson stated that the Policy Committee can either review it and hold off on approval until legal counsel review is complete, or approve it contingent upon approvals as to form by the respective legal counsels.

In response to Gil Riviere, Director Gibson stated that the pie of funds does not get automatically bigger with the addition of MPOs. Congress, as they consider the next transportation authorization, may decide to increase the size of the pie.

*Vice Chair Harimoto moved and Councilmember Carol Fukunaga seconded that the draft agreement for Hawaii's Planning Funds Distribution Formula to the MPO's be approved, contingent upon approvals as to form by the OahuMPO's Deputy Attorney General and the Maui MPO's Corporation Counsel. The motion was unanimously carried.*

[Director Grabauskas left at 2:52 p.m. A quorum was still present.]

## **VI. DRAFT FFYS 2015-2018 TRANSPORTATION IMPROVEMENT PROGRAM**

*[Handouts: Draft Federal Fiscal Years (FFYs) 2015, 2016, 2017, and 2018 Transportation Improvement Program (TIP)]*

Director Gibson gave a presentation on the draft FFYs 2015-2018 TIP. The TIP will be brought back to the Policy Committee for their approval in July.

## **VII. ADDING PRINCIPAL ARTERIALS TO THE NATIONAL HIGHWAY SYSTEM ON OAHU**

Director Gibson gave a presentation on the new principal arterials HDOT added to the National Highway System – an addition of 1.47 miles.

## **VIII. FEDERAL CERTIFICATION REVIEW UPDATE**

Director Gibson let the members know that the preliminary results of the Federal Certification Review that occurred in early June are expected in late July.

Representative Yamane requested that, depending on the scope and the breadth of the recommendations that might be included in the preliminary results of the Review, it first be presented to the members of the Executive Committee. Director Gibson noted that, if there's discussion or deliberation at an Executive Committee on an issue that the Policy Committee will need to act on, the Executive Committee's agenda will need to be posted.

Chair Espero stated that the issue of membership of non-Oahu members could be brought up in the report, since the federal regulation states that the Policy Committee members should be "local elected officials".

Senator J. Kalani English stated that he is obliged by State law to be on the Policy Committee and attend the meetings. He stated that it's part of his work and he will do it to the best of his ability. If there is an issue with this, then a bill should be introduced to change the State law. With 80% of the people elected to State government are from Oahu, the probability is that most of the legislative committee chairs will be from Oahu; and on rare occasions, they're will be from a neighbor island. As chair of a Statewide legislative committee, he is committed to a Statewide view of transportation.

Senator English stated that the meeting would go a lot quicker if Director Gibson would not read each slide of the meeting's presentations.

In response to Chair Espero, Director Gibson stated that OahuMPO has asked the Attorney General for an opinion.

In response to Councilmember Menor, FHWA Division Administrator Mayela Sosa stated that in order to accept federal funds, federal regulations need to be followed. There are several recourses – among them would be not certifying the OahuMPO process and withholding Federal funds. The Certification Review will address this. FHWA has been clear with their position; the OahuMPO needs to make that change in order to comply.

Councilmember Menor asked if, under the Federal law, the Policy Committee has the authority to take a vote to change the composition of the committee. Administrator Sosa responded in the affirmative. She stated that other boards have rules that allow them to change their membership; it is specific to each MPO. Director Gibson stated that it is unusual for a state to set a law that defines the membership of an MPO. How an MPO operates is not usually done at a state level.

It's usually done at a local level through bylaws, memorandums of understanding, and memorandums of agreement.

Councilmember Menor asked if that power to establish bylaws is specified in federal regulations. Ms. Sosa responded in the affirmative. Councilmember Menor asked if the Federal regulations that allow a board to adopt bylaws and change the composition of the committee supersede state law. Chair Espero stated that the committee can pass bylaws, but they cannot contradict Federal regulations. Administrator Sosa agreed; that would have to be within the parameters and address the membership's minimum requirements that the Federal regulations set.

In response to Councilmember Menor, Administrator Sosa stated that the FHWA's position is that the Federal regulations supersede the State law. Senator English requested that the Federal legal counsel submit a written statement to that effect. Administrator Sosa stated that she has gotten legal counsel on this; this is their position. The Certification Review will discuss this point. She also offered to write a letter to that effect.

Chair Espero stated that there is a time issue; even if the Policy Committee wanted to change the law, it would need to wait until the next year. This is not a new issue; it has been known by the Federal government and has been allowed to continue to occur. The Federal government has not put its down foot. He stated that he is not aware of a strongly worded letter that states that this is a situation that the Federal government doesn't want and cannot tolerate, and that it could affect recertification. Senator English stated that the letter should be issued from the Federal legal counsel. Administrator Sosa responded that FHWA does not issue letters from legal counsel; legal counsel advises FHWA. As the FHWA Administrator, she seeks legal counsel. She is in charge of making sure that the Federal regulations are followed; that authority has been delegated to her as the Administrator. A letter from herself, as the Administrator, will be issued; that carries the weight of Federal legal counsel.

## **IX. CAC HIGHLIGHTS**

CAC Chair Michael Golojuch reported the highlights of the last two CAC meeting.

## **X. OTHER BUSINESS (ANNOUNCEMENTS ONLY)**

Director Gibson stated that the working group is close to coming up with a scope of work for the Central Oahu Transportation Study. The request for proposal (RFP) should be issued in 30 to 45 days. Councilmember Menor requested to see the language in the draft RFP before it goes out. Chair Espero requested that it be sent to all the Policy Committee members.

*There being no other business, the meeting was adjourned at 3:19 p.m.*