

Minutes of the  
Oahu Metropolitan Planning Organization

**POLICY COMMITTEE**

Friday, May 16, 2014, 1:00 p.m.  
Hawaii State Capitol, Conference Room 229  
415 South Beretania Street, Honolulu, Hawaii

**Members Present:**

Senator Will Espero, Chair		Representative Ryan Yamane
Councilmember Breene Harimoto, Vice Chair		HDOT Interim Director Ford Fuchigami
Councilmember Carol Fukunaga		DTS Director Michael Formby
Councilmember Ron Menor		HART Executive Director & CEO
Councilmember Kymberly Pine		Dan Grabauskas
Representative Sharon Har		

**Member(s) Absent:** Councilmember Joey Manahan, Representative Henry Aquino, Senator Donovan Dela Cruz, and Senator J. Kalani English

**Guests Present:**

Senator Suzanne Chun Oakland		Michael Golojuch (CAC, Palehua
Jame Schaedel (CM Pine)		Townhouses)
Danielle Bass (Rep. Yamane)		Corey Bobba (FHWA)
Linda Starr (CAC, NB #2)		Elizabeth Fischer (FHWA)
Tom Smyth (CAC, NB #13)		Mayela Sosa (FHWA)
Dick Poirier (CAC, NB #25)		Doug Chun (Office of Council Services)
Joseph Magaldi, Jr. (CAC, Committee		Lori Arakaki (TAC, DPP)
for Balanced Transportation)		Marion Poirier

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

*The meeting was called to order at 1:39 p.m. by Chair Will Espero. A quorum was present.*

**I. MINUTES OF THE AUGUST 14, 2013 AND FEBRUARY 10, 2014 MEETINGS**

*Vice Chair Breene Harimoto moved and Councilmember Carol Fukunaga seconded that the minutes of the August 14, 2013 and February 2014 meetings be approved as circulated. The motion was unanimously carried.*

**II. CONSIDER CHANGES TO OWP PROCESS AND PROCEDURES**

*[Handouts: Draft revisions to Overall Work Program (OWP) Process and Procedures]*

OahuMPO Executive Director Brian Gibson gave a presentation on the draft revisions to the OWP Process and Procedures. Director Gibson stated that the Technical Advisory Committee (TAC) formed a working group to go over the proposed changes to the OWP Process and

Procedures. In response to Chair Espero, Director Gibson stated that the public review would occur after the TAC working group has reported back to TAC and TAC has recommended their approval of the document; that would probably occur in about eight weeks. In response to Representative Ryan Yamane, Director Gibson stated that it would be good to have it approved by September, since the process to develop the next OWP would begin right after that; he added that there are no hard deadlines for approval of this document. In response to Representative Yamane, Director Gibson stated that, if the Policy Committee makes substantive changes to the document after TAC recommends approval and after the public review, then it would have to go back out for public review and TAC action again. In response to Representative Yamane, Director Gibson stated that the Policy Committee would need to submit any suggested changes to the document within two weeks, since the TAC working group will begin their discussions soon after that. Chair Espero stated that, if TAC can't get their review and recommended approval completed within the eight weeks, then the Policy Committee will move without the TAC recommendations. Representative Yamane stated that the Policy Committee members represent a wide diversity of areas; they need to vet the public comments. Chair Espero stated that the final vote would occur in October or November.

Councilmember Kymberly Pine asked if the call for projects included Policy Committee members in addition to the agencies and the public. Director Gibson responded in the affirmative.

### **III. CENTRAL OAHU TRANSPORTATION STUDY**

Director Gibson stated that the FYs 2014-2015 OWP was submitted to Federal Highway Administration (FHWA) for obligation of funds. The Central Oahu Transportation Study (work element (WE) 202.02-14) had been approved for obligation subject to the availability of the local match. The City and County has submitted their matching share. The State's matching share has been committed with conditions; the issue is the scope of the project. OMPO is working with the City and State on the final scope of work so it can be moved forward.

Department of Transportation Services (DTS) Director Michael Formby stated that, at the last Policy Committee meeting, the scope of work was an issue. There was concern that if a modification to the scope was made, the project would have to go back through the amendment process. That's why the Policy Committee voted to put the project back into the FYs 2014-2015 OWP with no modification to the scope; and it was just an issue of the funding. Hawaii Department of Transportation (HDOT) voted in favor of putting it back in without a modification of the scope of work; so it's strange that the scope is now going to be modified, but the project is not going back out to the public. It's like we're going in a circle. At the last meeting, where the FYs 2014-2015 OWP was amended, Director Formby had informed the Policy Committee that it had drafted a Central Oahu Transportation study with a new scope to be included in the FYs 2015-2016 OWP; Hawaii Department of Transportation was in agreement with this new study. However, the Policy Committee decided to keep the original work element, as is, in the FYs 2014-2015 OWP, rather than place the new study in the FYs 2015-2016 OWP. So, the original study should be funded and moved forward.

Director Gibson agreed that original study should be funded and moved forward. Director Formby stated that if the original study is re-scoped, then the OWP should be amended. Director Gibson stated that the approved WE 202.02-14 provides flexibility for negotiation for the final scope of work. He stated that the project defined a need to have a working group define a final scope of work. So, he felt that it was okay to not go back out and amend the OWP.

Director Formby stated that there is a lot of pressure from the City and County to get moving on this study. In response to Chair Espero, Director Gibson stated that his opinion is that the OWP will not have to be amended once a final scope of work is defined.

Director Formby asked for Director Gibson's assurance that the OWP will not have to be amended due to the change of scope. Director Gibson gave Director Formby his assurance.

In response to Representative Yamane, Director Gibson responded that what is in the OWP is not really a scope; it's a description of the intended outcome. There has been some work done by OahuMPO, HDOT, and DTS to help shape that scope; so, they can pick up where they left off in order to define the scope.

In response to Representative Yamane, HDOT Director Ford Fuchigami stated that HDOT's major concern is that, in order to validate that work, they need to know exactly what that work is. HDOT needs to have a clear definition of what that scope actually is; that scope yet to be defined. HDOT has a responsibility to make sure that it validates what it is actually committing to. That's why HDOT will have a formal meeting with OahuMPO before they are willing to commit to that project. Based on what he's been told of past meetings, the scope has not been clearly defined.

In response to Chair Espero, Director Gibson stated that OahuMPO has had two meetings with HDOT on this subject. Director Gibson stated that OahuMPO is in the process of scheduling another meeting.

In response to Representative Yamane, Director Gibson stated that, if there is a disagreement on the scope and one of the funding partners will not fund the study, then there are the options of moving forward with just one funding partner and scaling back the project, or starting over.

Councilmember Ron Menor noted that there have been a number of votes taken to include this study in the OWP that were unanimous; there were no objections. If HDOT had issues with the study, they should not have voted in favor of the motions. Director Fuchigami stated that HDOT is favor of doing traffic studies. His understanding is that HDOT never said they would not commit to funding the study. However, they want a very detailed scope of work that they can validate that is what they are committed to before funding it.

In response to Councilmember Menor, Director Gibson stated that they would try to have an agreement by the next Policy Committee meeting.

#### IV. FHWA GUIDANCE REGARDING MPOS

*[Handouts: FHWA letter to OahuMPO Policy Committee Chair regarding Review of MPO Laws as related to Hawaii Revised Statute 279E (dated December 16, 2013); FHWA letter to HDOT Director regarding Statewide and Metropolitan Planning Processes Concerns (dated December 16, 2013)]*

Director Gibson gave a presentation on written guidance from the FHWA to OahuMPO and the participating agencies. One piece of FHWA guidance was the need for the Policy Committee members to be comprised of local elected and transportation officials from within the MPO area. The Hawaii Revised Statute (HRS) 279E-3 currently states that the chairpersons of the Senate and House committees with primary responsibility for transportation issues shall serve on the Policy Committee. Because of this law, a non-Oahu senator, who is the chair of the Senate committee with primary responsibility for transportation issues, is currently a Policy Committee member.

Some of the Policy Committee members spoke in favor of keeping the House and Senate transportation chairs on the OahuMPO Policy Committee.

FHWA Acting Division Administrator Mayela Sosa stated that she was aware of the issue. However, she stated that it was not appropriate to have a non-Oahu member on the Policy Committee. She stated that she expected the law to be changed this past session, but it was not done. Also, Maui will soon have its own MPO. She stated that OahuMPO was repeatedly told that this change needed to be made.

In response to Chair Espero and Representative Yamane, Administrator Sosa stated that this issue was stated in the Certification Review report in 2013. The OahuMPO staff was told about this and was supposed to shepherd this change.

In response to Chair Espero, Administrator Sosa stated that the worse-case scenario would be that this would be grounds for decertification. Up to 20% of the federal funds could be withheld.

Representative Yamane stated that there was a huge disconnect. The House and Senate transportation committee chairs were not apprised of the situation by the OahuMPO staff. Therefore, there was no change to the law this past legislative session.

Representative Sharon Har asked why it took so long for this to be brought up to the Policy Committee. In the past, there were Policy Committee members on the House and Senate from Maui. FHWA Planner Elizabeth Fischer responded that it was brought up in 2007; however, it was not insisted upon by the Federal agencies that this change be made.

Chair Espero stated that it is the OahuMPO staff's responsibility to bring this to the Policy Committee.

Chair Espero stated that this conversation could continue at another time, since the change in the law could not occur until the next legislative session.

[Representative Yamane left the meeting.]

## **V. FEDERAL CERTIFICATION REVIEW OF OMPO**

Director Gibson announced that there would be a Federal Certification Review of the OahuMPO on June 2-4, with a public meeting held on June 5.

## **VI. PROVIDE FEEDBACK ON EARLY FINDINGS OF THE PLANNING PROCESS**

*[Handouts: OahuMPO Planning Process Review Early Input Opportunity brochure; OahuMPO Technical Memorandum #1, Planning Process Review Preliminary Findings; Development of Preliminary Vision, Mission, and Action Items]*

Director Gibson gave a presentation on the OahuMPO Planning Process Review, including the preliminary findings.

[Director Fuchigami left the meeting at 2:45 p.m. A quorum was no longer present.]

Director Gibson let the Policy Committee members know that they will be emailed a link to a survey being conducted by the OahuMPO consultant for the project, Tindale-Oliver and Associates. He asked that the members participate in the survey and provide their feedback on the early findings of the planning process review.

Representatives from Tindale-Oliver and Associates were on a conference call to answer any question the members had. They noted that the survey was anonymous.

Chair Espero noted that a quorum was lost when Director Fuchigami left the meeting.

## **VII. CAC HIGHLIGHTS**

Citizen Advisory Committee (CAC) Chair Michael Golojuch reported the highlights of the last three CAC meeting.

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

*There being no other business, the meeting was adjourned at 3:00 p.m.*