

Minutes of the
Oahu Metropolitan Planning Organization

POLICY COMMITTEE

Tuesday, November 25, 2014, 10:00 a.m.
Hawaii State Capitol, Conference Room 309
415 South Beretania Street, Honolulu, Hawaii

Members Present:

Senator Will Espero, Chair		Representative Ryan Yamane
Councilmember Joey Manahan, Vice Chair		Senator Breene Harimoto
Councilmember Brandon Elefante		Senator Clarence Nishihara
Councilmember Carol Fukunaga		DTS Director Michael Formby
Councilmember Ron Menor		HART Executive Director Dan Grabauskas
Councilmember Kymberly Pine		

Member(s) Absent: Representative Henry Aquino, DOT Interim Director Ross Higashi

Guests Present:

Frank Streed (CM Elefante)		Rodney Boucher (CAC, NB #23)
Valerie Sadural (CM Manahan)		John Lairt (FHWA)
Matt Caires (CM Pine)		Ralph Rizzo (FHWA)
Joseph Magaldi, Jr. (CAC, Committee for Balanced Transportation)		Mayela Sosa (FHWA) Kathleen Iriarte (Hunt Company)
Aaron Landry (CAC, NB #11)		Dan Purcell (public)
Tom Smyth (CAC, NB #13)		

OahuMPO Staff Present: Brian Gibson, Randolph Sykes, Lynne Kong, Marian Ching

The meeting was called to order at 10:10 a.m. by Chair Will Espero. A quorum was present.

I. MINUTES OF THE SEPTEMBER 19, 2014 MEETING (Joint Meeting with Policy Committee)

Councilmember Carol Fukunaga moved and it was seconded that the minutes of the September 19, 2014 meeting be approved as circulated.

Director Brian Gibson noted that, though there was not a meeting on October 20 due to a lack of quorum, testimony was taken. A summary of the testimony taken, as well as copies of the written testimony submitted are being provided to the members.

A vote was taken. The motion was unanimously carried.

II. ELECT VICE CHAIR FOR REMAINDER OF 2014

Councilmember Ron Menor nominated Councilmember Joey Manahan as Vice Chair for the remainder of 2014. The nomination was seconded. There were no further nominations, so the

nominations were closed. A vote was taken. Councilmember Manahan was unanimously elected Vice Chair.

III. CREATE PERMITTED INTERACTION GROUP TO ADDRESS FEDERAL CORRECTIVE ACTIONS

Director Gibson stated that the Policy Committee permitted interaction group (PIG) formed to address the federal certification corrective actions will be reporting back to the Policy Committee today on the Hawaii Revised Statute (HRS) 279. Once that occurs, that particular PIG's job is done and that PIG will no longer exist. In order for the Policy Committee to continue to address the federal corrective actions – including the Comprehensive Agreement, bylaws, and sub-agreements – another PIG will need to be created.

In response to Councilmember Menor, Director Gibson stated that the PIG is allowed to meet with whomever they need to meet with.

Representative Ryan Yamane moved and it was seconded that a Policy Committee PIG be formed with the following members, as selected by Chair Espero, to continue to address the federal corrective actions.

- *Councilmember Brandon Elefante*
- *Councilmember Joey Manahan*
- *Representative Ryan Yamane*
- *Senator Breene Harimoto*
- *Director Michael Formby*

A vote was taken. The motion was unanimously carried.

IV. CONSIDER CITIZEN ADVISORY COMMITTEE MEMBERSHIP

Director Gibson noted that Ala Moana-Kakaako Neighborhood Board #11 had been a Citizen Advisory Committee (CAC) member for a long time. They were unable to attend the requisite number of meetings last year, so they were removed from the CAC. They have since attended the requisite number of meetings needed to be reinstated, and are requesting reinstatement.

Councilmember Fukunaga moved and it was seconded that the Ala Moana-Kakaako Neighborhood Board #11 be reinstated on the CAC. The motion was unanimously carried.

V. REPORT ON 2014 CERTIFICATION REVIEW ACTION PLAN

Director Gibson gave a status report on the 2014 Certification Review Action Plan.

VI. PRESENTATION OF REPORT FROM PERMITTED INTERACTION GROUP

Director Gibson presented the Policy Committee PIG report on changes proposed for HRS 279.

Councilmember Fukunaga asked if the OahuMPO staff would be responsible for any testimonies and public presentations to explain the background of this issue once the proposed legislation is agreed upon and introduced at the Legislature. Director Gibson responded that staff will be responsible for this.

In response to Representative Yamane, Director Gibson stated that the Technical Advisory Committee (TAC) PIG developed their own version of the legislation. Representative Yamane asked if the TAC PIG version was being presented to the Policy Committee. Director Gibson responded that it is not wholly being presented. In response to Representative Yamane, Director Gibson explained that the Policy Committee PIG and TAC PIG each developed their own respective versions. OahuMPO staff then took the best of each version and put it together into one version. Representative Yamane stated that, since the Policy Committee will be voting on the legislation, they should be looking at both versions in their entirety. Any recommendations from the CAC and the TAC should be coming to the Policy Committee, so they can see what's coming from each advisory committee, instead of only seeing what the OahuMPO staff feels is the right pieces of the versions to include in legislation. Director Gibson noted that OahuMPO staff has put together a matrix which shows the Policy Committee PIG version, the TAC PIG version, an evaluation of each of those versions, and the OahuMPO staff's recommendations and justifications.

Representative Yamane stated that, with the proposed change of language in HRS 279E, the Comprehensive Agreement – including the membership of the board and the rules governing the board – could possibly be revised frequently (e.g., year-to-year or as board membership changes or by the MPO director).

Director Gibson stated that the MPO is at this point, with stringent Federal corrective actions, because all the rules written at the State level haven't changed, while the Federal regulations have.

Representative Yamane noted that the MPO needs to be very careful about making Policy Board the judge and jury on the determination of how things are being done. This proposed legislation would also allow the MPOs to have a special pot of money that would not be determined or directed by the Legislature; it would only go through the MPO. Then the MPO would become a powerful and directive body that may or may not take recommendations from the community or the technical committee.

Chair Espero stated that, between now and the December Policy Committee meeting, the public comments – as well as comments from the Policy Committee, CAC, and TAC – will be accepted on draft HRS 279. At the December meeting, the Committee will discuss and act on the document. The bill will be introduced at the Legislature, where the public will have six opportunities to provide input on it.

Chair Espero explained that the reason why the proposed HRS language is fairly general and board is because Hawaii now has two MPOs – Oahu and Maui. So, the OahuMPO will rely on the Comprehensive Agreement to provide the specific details for its MPO.

In response to Councilmember Menor, Director Gibson stated that OahuMPO staff will track all the comments – including any recommended revisions or amendments from the Policy Committee members – received between now and the December meeting. All the comments will be brought back to the Committee at their December meeting.

Councilmember Menor asked if the Policy Committee PIG members could also forward additional revisions to the Policy Committee for their consideration. Director Gibson responded in the affirmative.

Representative Yamane noted that draft bills still need to go through legal review at the Legislature before being introduced.

Representative Yamane reiterated his desire to have direct feedback from the CAC and TAC. Department of Transportation Services (DTS) Director Michael Formby requested that Director Gibson provide the Policy Committee members with a copy of the HRS 279 matrix between now and the December meeting.

VII. CAC HIGHLIGHTS

Citizen Advisory Committee (CAC) Vice Chair Joseph Magaldi reported the highlights of the last four CAC meetings.

VIII. OTHER BUSINESS (ANNOUNCEMENTS ONLY)

There being no other business, the meeting was adjourned at 11:10 a.m.