

Minutes of the  
Oahu Metropolitan Planning Organization

**TECHNICAL ADVISORY COMMITTEE**

Friday, November 14, 2014, 9:00 a.m.  
Department of Planning and Permitting 7<sup>th</sup> Floor Conference Room  
650 South King Street, Honolulu, Hawaii

**Members Present:**

Brian Suzuki, Chair	DTS	Lori Arakaki	DPP
Ken Tatsuguchi, Vice Chair	HDOT	Kathy Sokugawa	DPP
Eugene Tian	DBEDT	Eileen Mark	DTS
Rodney Funakoshi	DBEDT-OP	Gordon Wong, ex officio	FAA
Dean Nakagawa	HDOT	Elizabeth Fischer, ex officio	FHWA

**Members Absent:**

Gareth Sakakida, ex officio (HTA), FTA ex officio (vacant), A. Ricardo Archilla, ex officio (UH)

**Guests Present:** Lorene Maki (DBEDT, OP), Marlene Young (DOT), John Laird (FHWA), Ralph Rizzo (FHWA), Liz Scanlon (HART)

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

The meeting was called to order at 9:02 a.m. by Chair Brian Suzuki. A quorum was present.

**I. MINUTES OF THE OCTOBER 10, 2014 MEETING**

Elizabeth Fischer noted the following corrections to the October 10, 2014 meeting:

- Under agenda item number II:
  - In paragraph two, “*will be*” should be “*is*”. This refers to the \$760 million in obligated, unexpended balances of FHWA funds in Hawaii.
  - Regarding paragraph three, Ms. Fischer referred members to a letter from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to the OahuMPO (dated October 1, 2008) regarding Federal travel approval criteria – specifically item 4, referring to the necessary and reasonableness clause of 2 CFR 200.

Ms. Fischer noted that she still needs to meet with Chair Suzuki regarding the issue stated in the paragraph at the bottom of page three and top of page four.

*Dean Nakagawa moved and Eugene Tian seconded that the minutes of the October 10, 2014 meeting be approved as corrected and noted. The motion was unanimously carried.*

## II. CONSIDER METROPLITAN TAP

*[Handout(s): Draft OahuMPO Transportation Alternatives Program (TAP) – Guide for Sponsors and Applicants (11/6/2014)]*

[Eileen Mark arrived at 9:10 a.m.]

Brian Gibson gave a presentation on the draft OahuMPO TAP – Guide for Sponsors and Applicants.

Regarding the application process, Ms. Fischer stated that, in addition to using a licensed engineer, a licensed design professional, such as an architect or landscape architect, may also be used to prepare the project cost estimates and schedule.

Regarding the point system used in the evaluation criteria, Chair Suzuki stated that Safety should be given an equal or higher priority than the current two highest criteria – Transportation and Mobility (20 points) and Intermodal Connection (20 points). Ms. Fischer stated that Safety is inherent in everything that is done in transport. In response to Mr. Gibson, Marian Yasuda, TAP Project Manager, stated that the point system did not need to add up to 100 points; so, the maximum points for Safety could be 20 points.

Regarding eligible activities, Vice Chair Ken Tatsuguchi stated that more clarification is needed regarding the screening process. It should be clear what reviews and approvals – such as environmental clearance, assurance that there's no right-of-way acquisition issue – are needed prior to a project being eligible for TAP. It should be clear if FHWA needs to approve certain documents.

Ms. Fischer stated that there should be a checklist, like the one FHWA and Hawaii Department of Transportation (HDOT) have been working on, that indicate whether specific reviews and processes have been done, permits have been secured, and when they were done.

In response to Chair Suzuki, Mr. Gibson stated that, for the immediate future, they would like to find projects that are shovel-ready and are just waiting for funding. Chair Suzuki stated that there should be a clear definition of exactly what it means to be shovel-ready, including all the clearances and permits that need to be done and secured prior to applying for the funds.

Rodney Funakoshi stated that inclusion of National Environmental Policy Act (NEPA) requirement is significant. In response to Elizabeth Scanlon, Ms. Fischer stated that, yes, NEPA is Federal requirement. Ms. Scanlon stated that the document should state this; it needs to be clear to the applicant that these are Federal monies, so you need to go through the Federal process to qualify.

In response to Mr. Funakoshi, Marian Yasuda went over a tentative TAP schedule. Ms. Sokugawa stated that, since a contract needs to be awarded and a notice to proceed needs to be given for construction to start, the applicants should know how many days it will take to go through the process. She noted that certain construction projects have deadlines and penalties.

Mr. Gibson stated that awarding points using the evaluation criteria for readiness and likeliness of success would help the evaluation committee discern which project are going to move forward and be successful.

Ms Scanlon noted that, in the TIGER program, you have to be in the final design stage or more advanced to even be seriously considered for funding.

Vice Chair Tatsuguchi recommended that the MPO think about taking a project through the process. They should look at what the process is, in terms of phasing, approvals, and issues. The MPO needs to think about how the project is going to be reviewed and how the process is going to happen.

Vice Chair Tatsuguchi stated that the MPO is the agency responsible for oversight of the TAP funds. The money is being given to the MPO, so they are the responsible party in this process. The sponsor agency is responsible for some oversight, but that doesn't relinquish the MPO of those responsibilities. The MPO has to have the knowledge that oversight is being done – such as construction oversight and construction management. The federal government required that someone oversight the lifecycle of the project. Ms. Fischer agreed with Vice Chair Tatsuguchi.

Ms. Scanlon also noted that, for federal funds, monthly progress reports are also required.

Vice Chair Tatsuguchi stated that the MPO can put the burden on the sponsor agency, but, ultimately, it comes back to the MPO, since they have oversight of the funds. They're distributing the funds, so they have these responsibilities. It's a lot of work. It can be delegated, but it still doesn't relinquish the responsibilities. The MPO needs to learn what approvals, permits, etc. are needed for construction projects; you don't want to get stuck on them. He also stated that the sponsor agency would need to be familiar with the Hawaii Environmental Policy Act (HEPA) and NEPA.

Ms. Scanlon noted that all federal programs, at some point, have audits. At the end point, you get audited.

Mr. Nakagawa stated that there should be a description of what the role of the sponsor agency is. The sponsor agency needs to know what they're accountable for. Otherwise, something is going to fall through the cracks; then the project won't fly.

Mr. Gibson stated that OahuMPO is putting together the process that will decide which TAP projects get programmed into the TIP. For all State and City projects that go into the TIP, the MPO doesn't do construction oversight; the person building the project does those things. OahuMPO doesn't expect this to be vastly different. The MPO has some additional responsibility because it's in charge of the money and because it wants to make sure it gets spent well; but, fundamentally, OahuMPO doesn't see a huge difference between the TAP projects and STP or CMAQ projects. Vice Chair Tatsuguchi stated that OahuMPO should check with FHWA on what its oversight responsibilities are, because it's a little bit different in terms of responsibilities.

Ms. Mark stated that the difference between the TIP and the TAP is who the direct grantee is. The distributor of the Federal funds is responsible for making sure the subrecipients comply with the Federal rules and regulations.

Mr. Nakagawa stated that there should be some rating standard. In order to get so many points, an applicant must meet certain standards. Without this, the point system is based on perceptions.

Ms. Sokugawa stated that the committee cannot give feedback on the point system, because they don't really know how it works on a real application. She asked if the MPO played with the point system using a real project. Ms. Yasuda responded in the negative. Ms. Sokugawa stated that the MPO should intuitively look at what the outcome of a real project is; then, if they use the point system and don't get the same outcome, then there's an issue with the point system.

Ms. Fischer stated that it's important for parties who are not accustomed to working with the USDOT funding stream to have a local partner agency that is accustomed to this.

Mr. Gibson stated that this is new territory for the OahuMPO; but it's a requirement.

Mr. Gibson summarized some of the discussion: The need to increase or add additional language to better define what is meant by ready-to-go; the need to add that a project must qualify under NEPA.

Ms. Sokugawa stated that there should be backend compliance requirement responsibilities. Ms. Fischer clarified for Ms. Sokugawa that, after a project is done, there are other things that have to happen as the end of a project to move toward project close-out. Ms. Sokugawa stated that the MPO is responsible for all the project compliances.

Vice Chair Tatsuguchi stated that it should be clearly identified what the applicant needs to submit and what approvals are needed. Ms. Fischer agreed with Vice Chair Tatsuguchi. She suggested that there be a visual checklist provided in the document (in the appendices).

Chair Suzuki stated that the City has a checklist for Complete Streets. That checklist could be referenced. The OahuMPO will need to research the different criteria that are needed before a project is really ready-to-go.

Mr. Gibson stated that this is new territory to the OahuMPO, so they will be leaning on the agencies to help in the process. He noted that it was not just the OahuMPO's process, but also the agencies' process. Vice Chair Tatsuguchi stated that it's the Policy Committee's process; the TAC is just the technical review committee. The MPO is the Policy Committee; they're responsible for the oversight. This needs to be clearly identified. The MPO needs to know that they're responsible for oversight of the funds. They need to know what those responsibilities are, and what their responsibilities are to the applicant and the sponsor. The money comes with responsibilities. The applicants need to be notified upfront what their responsibilities are. The MPO needs to educate themselves on what their responsibilities are, even if they are delegated. The MPO will get audited. This is an ongoing funding program, so the responsibilities will continue.

Mr. Nakagawa stated that there needs to be some scoring standards in the evaluation criteria. It needs to be more objective.

In response to Mr. Funakoshi, Mr. Gibson stated that the evaluation committee would be made up of staff from the participating agencies at the TAC level.

Ms. Fischer stated that this iteration of the draft document is vastly better than the initial draft document. However, some points brought up in this conversation need to be addressed.

In response to Ms. Sokugawa, Mr. Nakagawa stated that he would like to review the draft document with the recommendation incorporated prior to having TAC making a recommendation. Mr. Gibson stated that the changes would be made, then brought back to TAC for their consideration at their next meeting.

*Ms. Sokugawa moved and Ms. Mark seconded that this action item be deferred until the next TAC meeting, when a revised draft document, incorporating the recommended revisions and comment made during this TAC meeting, can be considered. The motion was unanimously carried.*

Mr. Nakagawa requested that the document be provided to the TAC members prior to the meeting in order to give the members sufficient time to review it.

At the request of Ms. Fischer, everyone in the room introduced themselves.

### **III. UPDATE OF THE STATUS OF THE FEDERAL CERTIFICATION REVIEW ACTION PLAN**

*[Handout(s): OahuMPO 2014 TMA (Transportation Management Area) Certification Review Action Plan, dated 11/12/2014]*

Mr. Gibson went over the OahuMPO 2014 TMA Certification Review Action Plan. Mr. Gibson noted that the other action items – Comprehensive Agreement, the sub-agreements, and the bylaws – will flow out of the revised Hawaii Revised Statute (HRS) 297E.

Mr. Gibson explained that the TAC permitted interaction group (PIG) would make their recommendation on HRS 279E directly to the Policy Committee PIG. He suggested that the TAC wait until the Policy Committee version of HRS 279E is released, so they could provide comments on that version of the bill.

Mr. Funakoshi stated that it is strange that the TAC PIG is making recommendations directly to the Policy Committee PIG without sanction of the full TAC. Mr. Gibson explained that, if the TAC PIG presented their report to the full TAC first, they would need to re-form a new PIG to address the other action items.

Mr. Funakoshi suggested that there could be a TAC PIG established for each action item. Chair Suzuki stated that there needs to be continuity through the entire process.

Ms. Mark stated that, if it was a matter of meeting deadlines, TAC could hold an additional meeting so the deadline could be met. Mr. Funakoshi stated that the limitation in the Sunshine Law regarding how many times a PIG can report to its committee (once) is the issue.

Ms. Mark stated that each TAC PIG (for each action item) could have the same membership; thereby ensuring continuity.

In response to Ms. Sokugawa, Mr. Gibson confirmed that the TAC PIG was done with its work its draft bill was sent to the PC PIG. Ms. Sokugawa then requested that the TAC PIG recommendation be shared with the TAC. Mr. Gibson responded that the TAC PIG would then need to be re-formed. Mr. Funakoshi stated that, if the same TAC PIG was kept throughout the process, the TAC PIG could not report back to the TAC until the entire process was completed.

The members discussed having the TAC PIG release their findings at today's meeting and forming new TAC PIGs for the remaining action items. Since the TAC PIG report is not on the agenda, Pamela Toyooka noted that the committee could add an agenda item if three-quarters ( $\frac{3}{4}$ ) of the voting members voted to add it to the agenda.

*Mr. Nakagawa moved and Mr. Funakoshi seconded that the TAC PIG be added to today's agenda. All voting members (8) of the TAC were present at the meeting. All voting members voted in favor of the motion. The motion was unanimously carried.*

## **VII. TAC PERMITTED INTERACTION GROUP (PIG)**

*Mr. Nakagawa moved and Mr. Funakoshi seconded that: 1) the existing TAC PIG share their recommendations with the full TAC and 2) the TAC form three additional TAC PIGs – for Comprehensive Agreement, Sub-Agreements, and Bylaws – using the same members as the original TAC PIG. The motion was unanimously carried.*

Chair Suzuki asked Mr. Gibson to present the TAC PIG report regarding the HRS 297E to the TAC. Mr. Gibson did not have the TAC PIG documents with him. He gave a summary of the TAC PIG recommendation. The TAC PIG recommendation was to make minimal changes to the current HRS 279E to comply with the current Federal regulations, as well as removing outdated information (e.g., 1975 budget). The feeling was that this approach would draw less attention to the changes.

Ms. Sokugawa asked if there was extended discussion on the Policy Committee makeup and changing its name to Policy Board. Mr. Gibson stated that the TAC PIG decided that this could be handled in the Comprehensive Agreement.

Chair Suzuki stated that it's difficult for the TAC to review the changes without the document that shows the changes. TAC should have another formal meeting to review it. Ms. Fischer suggested that the ramseyered draft be shared with the full TAC. It could be emailed to the members.

Randolph Sykes stated that the Policy Committee Chair did not want the draft HRS made public. Mr. Gibson stated that the PC PIG didn't want the Policy Committee PIG draft made public yet. They wanted more time to develop it.

Ms. Fischer shared a pyramid graphic, developed by the OahuMPO, which shows how the action item documents are relate.

Chair Suzuki stated that the earlier version of HRS 279E was very simple. TAC PIG felt that it was too simple, and cut out too much.

In response to Ms. Scanlon, Chair Suzuki stated that there was discussion of rescinding HRS 279E in its entirety. The TAC PIG left it up to OahuMPO staff to bring that up to the Policy Committee PIG. There was also discussion about submitting multiple versions of the bill. Mr. Suzuki noted that, if you put all your eggs in one basket and it gets shot down, then your bill is dead. However, if you have two or three bills going through the Legislature, then the possibility of one version passing would be greater.

Mr. Nakagawa stated that, if the bill was rescinded in its entirety, some legislators would question the establishment of the MPO; it would be open to more questions. So, if the legislators can see the act, they can see what was taken out and what was included. They can have at least a sense of some history of what was there.

Mr. Funakoshi stated that, especially with funding involved, there needs to be a bill to be held accountable.

Mr. Gibson stated that it's unusual to have a state law establishing an MPO. Most states do not have state laws authorizing an MPO. If there's a Federal law, then there's no need for a state law.

Ms. Fischer stated that Federal transportation funds are a grant that the State and local participating agencies voluntarily participate in. In order to obtain use and access to the funds, you need to follow federal rules.

Mr. Gibson noted that, because there will be multiple MPOs in the State (with the addition of Maui), the law needs to change to refer to any MPO.

#### **IV. UPDATE ON THE STATUS OF THE ORTP 2040**

Mr. Sykes stated that, because there was no quorum for the last scheduled Policy Committee meeting, Revision #1 to the FYS 2015-2016 Overall Work Program (OWP) did not get approved. The MPO is now developing the FYs 2016-2017 OWP draft. That will address the ORTP-related WEs.

## **V. REPORTS FROM COMMITTEE MEMBERS**

Lori Arakaki stated that the Department of Planning and Permitting (DPP) has been struggling with the Census Transportation Planning Product (CTPP) data. It came out late, and it came out with errors. DPP noticed that there are errors in the TAZs. When this was pointed out, DPP was told that the errors will not be corrected at this time. This will create a problem, since the errors may not be obvious in all areas. DPP needs the data, but is struggling with how to deal with that and how to use the data.

Ms. Fischer noted that HDOT is also having problems with the data.

Ms. Sokugawa stated that DPP held a community meeting on Transit-Oriented Development (TOD) zoning last night in Waipahu. It was encouraging that 100 people attended. She announced an upcoming TOD symposium.

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

*There being no other business, the meeting was adjourned at 10:31 a.m.*