

1 and the organization's staff support and provide technical
2 resources to the policy board. The continuing, cooperative, and
3 comprehensive planning process is designed to provide both
4 orderly and reasoned metropolitan transportation planning within
5 the framework of federal law, and adequate and informed
6 representation from state and county governments, operators of
7 public transportation receiving federal funds, the public at
8 large, and others as identified in 23 Code of Federal
9 Regulations section 450 subpart C.

10 § -2 **Definitions.** For purposes of this chapter:

11 "Comprehensive agreement" means the executed agreement
12 between the member jurisdictions or authorities of a
13 metropolitan planning organization concerning the organization
14 and structure of the metropolitan planning organization, the
15 roles and responsibilities of its member jurisdictions or
16 authorities, and the provision of funding and membership dues.

17 "Employees" means an executive director of a metropolitan
18 planning organization, and all staff of a metropolitan planning
19 organization.

20 "Member jurisdiction or authority" means a local or state
21 jurisdiction or a local or regional authority that has entered



1 into a comprehensive agreement to support the metropolitan
2 planning process and that is provided representation on the
3 metropolitan planning organization's policy board.

4 "Metropolitan planning organization" means a metropolitan
5 planning organization designated or redesignated under 23 United
6 States Code section 134, as amended.

7 "Policy board" means the policy decision-making body of a
8 metropolitan planning organization.

9 "Transportation management area" means a transportation
10 management area identified and designated pursuant to 23 United
11 States Code section 134, as amended.

12 **§ -3 Establishment of metropolitan planning**

13 **organizations; duties.** (a) Metropolitan planning organizations
14 shall be designated pursuant to 23 United States Code section
15 134(d)(1) and shall meet all requirements of 23 United States
16 Code sections 134-135 and 49 United States Code sections 5303-
17 5304, as amended, and any federal regulations adopted pursuant
18 thereto.

19 (b) A metropolitan planning organization shall:

20 (1) Operate according to executed comprehensive
21 agreements, including any supplemental agreements,



- 1 between the State, county, and other operators of
2 public transportation receiving federal funds; and
- 3 (2) Facilitate and support the continuing, cooperative,
4 and comprehensive transportation planning process
5 between the State, county, and other operators of
6 public transportation receiving federal funds,
7 including the consideration of projects and strategies
8 that support national planning factors as defined in
9 23 United States Code section 134, regional goals and
10 objectives, and consideration of plans and planning
11 activities of others as they affect transportation.
- 12 (c) A metropolitan planning organization may:
- 13 (1) Assign to staff members duties not defined or
14 designated by federal law, this chapter, or executive
15 agreement;
- 16 (2) Enter into agreements with the State, county, other
17 operators of public transportation receiving federal
18 funds, and other entities as needed to fully comply
19 with all requirements of federal law and this chapter;
- 20 (3) Be placed within a state or county agency, as
21 appropriate, for administrative purposes only;



- 1 (4) Contract to purchase goods and services, including
- 2 professional and technical assistance and advice;
- 3 (5) Contract for or accept revenues, compensation,
- 4 proceeds, and gifts or donations or grants in any form
- 5 from any public agency;
- 6 (6) Establish banking accounts with federally regulated
- 7 financial institutions; and
- 8 (7) Contract with other state or local agencies and quasi-
- 9 public or private organizations for the use of their
- 10 staff resources to assist the metropolitan planning
- 11 organization in its functions.

12 § -4 **Transportation management area metropolitan**
13 **planning organizations.** (a) Pursuant to 23 United States Code
14 section 134(k), a metropolitan planning organization serving an
15 urban area with a population of 200,000 or more shall be
16 designated a transportation management area.

17 (b) Transportation management area metropolitan planning
18 organizations shall be attached to the department of
19 transportation for administrative purposes only. The various
20 roles and responsibilities of transportation management area
21 metropolitan planning organizations and the department of

1 transportation regarding the administration of the
2 transportation management area metropolitan planning
3 organization may be further defined by agreement between the two
4 entities.

5 (c) This chapter shall apply to transportation management
6 area metropolitan planning organizations.

7 (d) Notwithstanding any law to the contrary,
8 transportation management area metropolitan planning
9 organizations shall be exempt from section 26-35, except
10 subsections (a) (7) and (8), and (b).

11 **§ -5 Metropolitan planning organization revolving funds.**

12 (a) There is established in the state treasury a metropolitan
13 planning organization revolving fund for each metropolitan
14 planning organization in accordance with federal law into which
15 shall be deposited:

- 16 (1) Seed funding of \$500,000;
- 17 (2) All revenues from the operations of the Oahu
18 metropolitan planning organization;
- 19 (3) Appropriations by the legislature to the fund;
- 20 (4) Federal funds or grants; and



1 (5) Gifts, grants, and any other moneys made available to
2 the fund.

3 (b) Moneys in the metropolitan planning organization
4 revolving fund for each metropolitan planning organization shall
5 be expended by the applicable metropolitan planning organization
6 for purposes of transportation planning in accordance with
7 federal law; provided that, notwithstanding any law to the
8 contrary, the metropolitan planning organization for a
9 particular county may expend moneys from their respective
10 revolving fund without necessity of an appropriation; provided
11 further that each metropolitan planning organization having a
12 revolving fund shall report annually to the legislature no later
13 than twenty days prior to the convening of each regular session
14 starting with the regular session of 2016 on a detailed
15 accounting of the activities of their respective revolving fund
16 for the previous year.

17 § -6 Metropolitan planning organization policy boards;
18 membership and meetings. (a) Policy board membership shall be
19 established by comprehensive agreement, including any applicable
20 supplemental agreements and bylaws.



1 (b) As appropriate, any agreement or committee bylaws that
2 establish policy board membership may also include
3 specifications regarding ex-officio membership, terms and term
4 limits of members, member alternates, quorum, and other
5 considerations as permitted by law.

6 § -7 Staff and funding. (a) Each policy board shall
7 appoint a full-time executive director of the metropolitan
8 planning organization who shall be independent of state and
9 county agencies. Duties of the executive director may be
10 established by the policy board or in the comprehensive
11 agreement.

12 (b) A policy board may employ staff as needed. The
13 executive director shall be responsible for the hiring and
14 management of staff. The executive director and staff for a
15 metropolitan planning organization shall not be subject to
16 chapter 76. All other benefits generally applicable to the
17 officers and employees of the State shall apply to staff members
18 of the metropolitan planning organization and be retroactive to
19 the effective date of initial hiring for existing staff.

20 (c) All employees of a metropolitan planning organization
21 shall be exempt from chapter 76 but shall be eligible to receive



1 the benefits of any state or federal employee benefit program
2 generally applicable to officers and employees of the State.

3 § -8 Member financial dues. (a) The policy board shall
4 identify and establish, by interagency agreement, the member
5 financial dues necessary to sustain the metropolitan planning
6 organization. The annual member financial dues amount shall be
7 reviewed at least every three years.

8 (b) Member financial dues paid to a metropolitan planning
9 organization by its member jurisdictions or authorities for
10 purposes of matching federal aid financing shall not lapse or
11 expire.

12 (c) Notwithstanding any provision to the contrary, member
13 financial dues charged to the State may be paid from the state
14 highway fund.

15 (d) Member financial dues received by a metropolitan
16 planning organization shall not be specific to or intended to
17 fund individual elements of any unified planning work program.

18 (e) A policy board may allocate collective financial
19 resources to fund a unified planning work program.



1 § -9 Meetings. (a) Notwithstanding any law to the
2 contrary, meetings of policy boards, advisory committees, or
3 subcommittees shall be subject to sections 92-3 through 92-13.

4 (b) Members of a policy board shall be exempt from section
5 92-2.5.

6 (c) Members of a policy board who are also members of
7 another state board may meet at a duly noticed meeting of a
8 policy board.

9 (d) A majority of the membership of a policy board or
10 committee of a policy board shall constitute a quorum to do
11 business.

12 § -10 Conflict between laws. If a conflict between any
13 provision of this chapter and any federal law or regulation
14 relating to metropolitan planning organizations arises, federal
15 law or regulation shall govern."

16 SECTION 2. Section 279A-8, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§279A-8 [Oahu] Metropolitan [Planning Organization,]
19 planning organization; effect on funding.[+] The provisions of
20 this chapter do not affect the entitlement of the [Metropolitan
21 ~~Planning Organization~~] metropolitan planning organization for



1 ~~[the island of Oahu]~~ any county to unconditionally receive and
2 administer transportation planning funds pursuant to ~~[Section~~
3 ~~112 of the Federal Aid Highway Act of 1973.]~~ 23 United States
4 Code section 134, as amended."

5 SECTION 3. Chapter 279E, Hawaii Revised Statutes, is
6 repealed.

7 SECTION 4. No officer or employee affected by this Act
8 shall suffer any loss of employment, seniority, benefit, leave,
9 service credit, or other emolument as a consequence of this Act.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

13



Report Title:

Metropolitan Planning Organizations

Description:

Creates a new chapter relating to metropolitan planning organization. Repeals chapter 279E, HRS. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

