

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

11 **§ -2 Definitions.** For purposes of this chapter:

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

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



1 "Member jurisdiction or authority" means a local or state
2 jurisdiction or a local or regional authority that has entered
3 into a comprehensive agreement to support the metropolitan
4 planning process and that is provided representation on the
5 metropolitan planning organization's policy board.

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

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

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

14 **§ -3 Establishment of metropolitan planning**

15 **organizations; duties.** (a) Metropolitan planning organizations
16 shall be designated pursuant to 23 United States Code section
17 134(d)(1) and shall meet all requirements of 23 United States
18 Code sections 134-135 and 49 United States Code sections 5303-
19 5304, as amended, and any federal regulations adopted pursuant
20 thereto.

21 (b) A metropolitan planning organization shall:



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



- 1 comply with all requirements of federal law and this
2 chapter;
- 3 (3) May be placed within a state or county agency, as
4 appropriate, for administrative purposes only;
- 5 (4) Contract to purchase goods and services, including
6 professional and technical assistance and advice;
- 7 (5) Contract for or accept revenues, compensation,
8 proceeds, and gifts or donations or grants in any form
9 from any public agency;
- 10 (6) Establish banking accounts with federally regulated
11 financial institutions; and
- 12 (7) Contract with other state or local agencies and quasi-
13 public or private organizations for the use of their
14 staff resources to assist the metropolitan planning
15 organization in its functions.

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



1 (b) Transportation management area metropolitan planning
2 organizations shall be attached to the department of
3 transportation for administrative purposes only. The various
4 roles and responsibilities of transportation management area
5 metropolitan planning organizations and the department of
6 transportation regarding the administration of the
7 transportation management area metropolitan planning
8 organization may be further defined by agreement between the two
9 entities.

10 (c) This chapter shall apply to transportation management
11 area metropolitan planning organizations.

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

16 **§ -5 Oahu metropolitan planning organization special**
17 **fund.** (a) There is established in the state treasury the Oahu
18 metropolitan planning organization special fund, into which
19 shall be deposited:

20 (1) Seed funding of \$500,000;



- 1 (2) All revenues from the operations of the Oahu
- 2 metropolitan planning organization;
- 3 (3) Appropriations by the legislature to the fund;
- 4 (4) Gifts, grants, and any other moneys made available to
- 5 the fund.

6 (b) Moneys in the Oahu metropolitan planning organization
7 special fund shall be administered by the Oahu metropolitan
8 planning organization for the purposes of this chapter.

9 **§ -6 Metropolitan planning organization policy boards;**
10 **membership and meetings.** (a) Policy board membership shall be
11 established by comprehensive agreement, including any applicable
12 supplemental agreements and bylaws.

13 (b) As appropriate, any agreement or committee bylaws that
14 establish policy board membership may also include
15 specifications regarding ex-officio membership, terms, and term
16 limits of members, member alternates, quorum, and other
17 considerations as permitted under law.

18 **§ -7 Staff and funding.** (a) Each policy board shall
19 appoint a full-time executive director of the metropolitan
20 planning organization who shall be independent of state and
21 county agencies. Duties of the executive director may be



1 established by the policy board or in the comprehensive
2 agreement.

3 (b) A policy board may employ staff as needed. The
4 executive director shall be responsible for the hiring and
5 management of staff. The executive director and staff for a
6 metropolitan planning organization shall not be subject to
7 chapter 76. All other benefits generally applicable to the
8 officers and employees of the State shall apply to staff members
9 of the metropolitan planning organization and be retroactive to
10 the effective date of initial hiring for existing staff.

11 (c) All employees of a metropolitan planning organization
12 shall be exempt from chapter 76 but shall be eligible to receive
13 the benefits of any state or federal employee benefit program
14 generally applicable to officers and employees of the State.

15 **§ -8 Member financial dues.** (a) The policy board shall
16 identify and establish, by interagency agreement, the member
17 financial dues necessary to sustain the metropolitan planning
18 organization. The annual member financial dues amount shall be
19 reviewed at least every three years.

20 (b) Member financial dues paid to a metropolitan planning
21 organization by its member jurisdictions or authorities for

1 purposes of matching federal aid financing shall not lapse or
2 expire.

3 (c) Notwithstanding any provision to the contrary, member
4 financial dues charged to the State may be paid from the state
5 highway fund.

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

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

11 **§ -9 Meetings.** (a) Notwithstanding any law to the
12 contrary, meetings of policy boards, advisory committees, or
13 subcommittees shall be subject to sections 92-3 through 92-13.

14 (b) Members of a policy board shall be exempt from section
15 92-2.5.

16 (c) Members of a policy board who are also members of
17 another state board may meet at a duly noticed meeting of a
18 policy board.

19 (d) A majority of the membership of a policy board or
20 committee of a policy board shall constitute a quorum to do
21 business.



1 § -10 **Conflict between laws.** If a conflict between any
2 provision of this chapter and any federal law or regulation
3 relating to metropolitan planning organizations arises, federal
4 law or regulation shall govern."

5 SECTION 2. Section 36-30, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Each special fund, except the:

- 8 (1) Transportation use special fund established by section
9 261D-1;
- 10 (2) Special out-of-school time instructional program fund
11 under section 302A-1310;
- 12 (3) School cafeteria special funds of the department of
13 education;
- 14 (4) Special funds of the University of Hawaii;
- 15 (5) State educational facilities improvement special fund;
- 16 (6) Special funds established by section 206E-6;
- 17 (7) Aloha Tower fund created by section 206J-17;
- 18 (8) Funds of the employees' retirement system created by
19 section 88-109;
- 20 (9) Hawaii hurricane relief fund established under section
21 431P-2;



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- 1 (10) Convention center enterprise special fund established
- 2 under section 201B-8;
- 3 (11) Hawaii health systems corporation special funds and
- 4 the subaccounts of its regional system boards;
- 5 (12) Tourism special fund established under section 201B-
- 6 11;
- 7 (13) Universal service fund established under section 269-
- 8 42;
- 9 (14) Emergency and budget reserve fund under section 328L-
- 10 3;
- 11 (15) Public schools special fees and charges fund under
- 12 section 302A-1130;
- 13 (16) Sport fish special fund under section 187A-9.5;
- 14 (17) Center for nursing special fund under section 304A-
- 15 2163;
- 16 (18) Passenger facility charge special fund established by
- 17 section 261-5.5;
- 18 (19) Court interpreting services revolving fund under
- 19 section 607-1.5;
- 20 (20) Hawaii cancer research special fund;
- 21 (21) Community health centers special fund;



- 1 (22) Emergency medical services special fund;
- 2 (23) Rental motor vehicle customer facility charge special
- 3 fund established under section 261-5.6;
- 4 (24) Shared services technology special fund under section
- 5 27-43;
- 6 (25) Nursing facility sustainability program special fund
- 7 established pursuant to Act 156, Session Laws of
- 8 Hawaii 2012;
- 9 (26) Automated victim information and notification system
- 10 special fund established under section 353-136; [and]
- 11 (27) Hospital sustainability program special fund under Act
- 12 217, Session Laws of Hawaii 2012, as amended by Act
- 13 141, Session Laws of Hawaii 2013 [7]; and
- 14 (28) Oahu metropolitan planning organization special fund
- 15 established under section -5;

16 shall be responsible for its pro rata share of the
17 administrative expenses incurred by the department responsible
18 for the operations supported by the special fund concerned."

19 SECTION 3. Section 279A-8, Hawaii Revised Statutes, is
20 amended to read as follows:

1 " ~~[+] §279A-8 [Oahu] Metropolitan Planning Organization;~~
 2 ~~effect on funding. [+]~~ The provisions of this chapter do not
 3 affect the entitlement of the ~~[Metropolitan Planning~~
 4 ~~Organization]~~ metropolitan planning organization for ~~[the island~~
 5 ~~of Oahu]~~ any county to unconditionally receive and administer
 6 transportation planning funds pursuant to ~~[Section 112 of the~~
 7 ~~Federal Aid Highway Act of 1973.]~~ 23 United States Code section
 8 134, as amended."

9 SECTION 4. Chapter 279E, Hawaii Revised Statutes, is
 10 repealed.

11 SECTION 5. No officer or employee affected by this Act
 12 shall suffer any loss of employment, seniority, benefit, leave,
 13 service credit, or other emolument as a consequence of this Act.

14 SECTION 6. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.
 17

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Report Title:

Metropolitan Planning Organizations

Description:

Creates a new chapter relating to metropolitan planning organization. Repeals chapter 279E, HRS. Exempts Oahu metropolitan planning organization special fund from pro rata share of administrative expenses.

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

