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# A BILL FOR AN ACT

RELATING TO METROPOLITAN PLANNING ORGANIZATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1.   The Hawaii Revised Statutes is amended by  
2   adding a new chapter to be appropriately designated and to read  
3   as follows:

4                               **"CHAPTER**

5                               **METROPOLITAN PLANNING ORGANIZATIONS**

6           **§ -1 Statement of purpose.**   The legislature finds that  
7   23 United States Code sections 134-135 and 49 United States Code  
8   sections 5303-5304, as amended, and federal regulations adopted  
9   pursuant thereto, and other federal laws require that  
10   metropolitan planning organizations be designated based on a  
11   minimum population threshold as defined in federal law to act as  
12   a decision-making agency and to receive certain funds for the  
13   purpose of carrying out a continuing, cooperative, and  
14   comprehensive transportation planning process.

15           Metropolitan planning organizations have their own policy  
16   board and staff.   It is the responsibility of the policy board  
17   to make decisions that are the result of the continuing,  
18   cooperative, and comprehensive transportation planning process,



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; and
- 6 (6) Contract with other state or local agencies and quasi-  
7 public or private organizations for the use of their  
8 staff resources to assist the metropolitan planning  
9 organization in its functions.

10 **§ -4 Transportation management area metropolitan**  
11 **planning organizations.** (a) Pursuant to 23 United States Code  
12 section 134(k), a metropolitan planning organization serving an  
13 urban area with a population of 200,000 or more shall be  
14 designated a transportation management area.

15 (b) Pursuant to section 26-35, the transportation  
16 management area metropolitan planning organizations shall be  
17 attached to the department of transportation for administrative  
18 purposes only. The respective policy boards and not the  
19 department of transportation shall be responsible for the  
20 management of transportation management area metropolitan  
21 planning organizations as it pertains to 23 United States Code



1 sections 134-135 and 49 United States Code sections 5303-5304.  
 2 The various roles and responsibilities of transportation  
 3 management area metropolitan planning organizations and the  
 4 department of transportation regarding the administration of the  
 5 transportation management area metropolitan planning  
 6 organization may be further defined by agreement between the two  
 7 entities.

8 (c) This chapter shall apply to transportation management  
 9 area metropolitan planning organizations.

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

14 **§ -5 Oahu transportation management area metropolitan**  
 15 **planning organization revolving fund.** (a) There is established  
 16 in the state treasury a revolving fund to be known as the Oahu  
 17 transportation management area metropolitan planning  
 18 organization revolving fund to be administered by the department  
 19 of transportation in accordance with federal law and into which  
 20 shall be deposited:

21 (1) Member financial dues;



1 (2) All revenues from the operations of the Oahu  
2 transportation management area metropolitan planning  
3 organization;

4 (3) Appropriations by the legislature out of the state  
5 highway fund to the Oahu transportation management  
6 area metropolitan planning organization revolving  
7 fund;

8 (4) Federal funds or grants; and

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

11 (b) Except as otherwise provided by federal law,  
12 expenditures from the Oahu transportation management area  
13 metropolitan planning organization revolving fund may be made;  
14 provided that no expenditure shall be made from and no  
15 obligation shall be incurred against the revolving fund in  
16 excess of the amount standing to the credit of the revolving  
17 fund or for any purpose for which the revolving fund may not  
18 lawfully be expended. Nothing in sections 37-31 to 37-41 shall  
19 require the proceeds of the revolving fund to be reappropriated  
20 annually.



1 (c) The Oahu metropolitan planning organization shall  
2 report annually to the legislature no later than twenty days  
3 prior to the convening of each regular session beginning with  
4 the regular session of 2016 on a detailed accounting of the  
5 activities of the revolving fund for the previous year.

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

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

15 **§ -7 Staff and funding.** (a) Each policy board shall  
16 appoint a full-time executive director of the metropolitan  
17 planning organization who shall be independent of state and  
18 county agencies, notwithstanding any other law to the contrary.  
19 Duties of the executive director may be established by the  
20 policy board or in the comprehensive agreement.





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

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

13 **§ -8 Member financial dues.** (a) The policy board shall  
14 identify the member financial dues necessary to sustain the  
15 metropolitan planning organization. The member financial dues  
16 shall be provided by interagency agreement with the members.

17 (b) Member financial dues received by a metropolitan  
18 planning organization shall be used to fund the unified planning  
19 work program.

20 (c) A policy board may allocate collective financial  
21 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 part I of chapter 92.

4           (b) Participation by members of any other board in a  
5 meeting of a policy board shall be permitted interaction as  
6 provided in section 92-2.5(h).

7           (c) Less than a quorum of policy board members may discuss  
8 metropolitan planning organization business, without limitation,  
9 outside of a duly noticed meeting of the policy board.

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

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

17           **§ -11 Annual reports.** A metropolitan planning  
18 organization shall submit an annual report to the legislature of  
19 all activities conducted by the organization during the year  
20 immediately preceding the submission of the report. The annual  
21 report shall be submitted to the legislature no later than



1 twenty days prior to the convening of each regular session  
2 beginning with the regular session of 2016."

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

5 "~~[+]§279A-8 Oahu [Metropolitan Planning Organization,]~~  
6 metropolitan planning organization; effect on funding.[+] The  
7 provisions of this chapter do not affect the entitlement of the  
8 ~~[Metropolitan Planning Organization]~~ metropolitan planning  
9 organization for the island of Oahu or any other county to  
10 unconditionally receive and administer transportation planning  
11 funds pursuant to ~~[Section 112 of the Federal Aid Highway Act of~~  
12 ~~1973.]~~ 23 United States Code section 134, as amended."

13 SECTION 3. Chapter 279E, Hawaii Revised Statutes, is  
14 repealed.

15 SECTION 4. Upon the repeal of chapter 279E, Hawaii Revised  
16 Statutes, pursuant to section 3 of this Act:

- 17 (1) Any balance remaining in the Oahu metropolitan  
18 planning organization revolving fund under section  
19 279E-5, Hawaii Revised Statutes, shall be transferred  
20 to the Oahu transportation management area



1 metropolitan planning organization revolving fund  
 2 established under section 1 of this Act; and  
 3 (2) Any expenses and liabilities of the Oahu metropolitan  
 4 planning organization revolving fund under section  
 5 279E-5, Hawaii Revised Statutes, shall be transferred  
 6 to the Oahu transportation management area  
 7 metropolitan planning organization revolving fund  
 8 established under section 1 of this Act.

9 SECTION 5. There is appropriated out of the state highway  
 10 fund the sum of \$500,000 or so much thereof as may be necessary  
 11 for fiscal year 2015-2016 to be deposited into the Oahu  
 12 transportation management area metropolitan planning  
 13 organization revolving fund.

14 The sum appropriated shall be expended by the Oahu  
 15 metropolitan planning organization for the purposes of this Act.

16 SECTION 6. No officer or employee affected by this Act  
 17 shall suffer any loss of employment, seniority, benefit, leave,  
 18 service credit, or other emolument as a consequence of this Act.

19 SECTION 7. Statutory material to be repealed is bracketed  
 20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect on July 1, 2015.



**Report Title:**

Metropolitan Planning Organizations; Appropriation

**Description:**

Creates a new chapter in HRS relating to metropolitan planning organizations. Requires an annual report. Repeals chapter 279E, HRS. Transfers the balance in the OMPO revolving fund to the Oahu transportation management area metropolitan planning organization revolving fund. Appropriates funds. (CD1)

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