

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

December 11, 2018

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on October 29, 2018, makes reference to the following:

1. General Communication 17-2, from the Executive Director, Maui Metropolitan Planning Organization, transmitting a copy of the "Maui Metropolitan Planning Organization Annual Report for Calendar Year 2016."
2. County Communication 18-379, from the Director of Transportation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS RELATING TO THE MAUI METROPOLITAN PLANNING ORGANIZATION."

The purpose of the proposed bill is to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii that will rescind the prior Maui Metropolitan Planning Organization ("Maui MPO") Comprehensive Agreement ("Agreement") entered into on July 18, 2016, between the State and the County, and replace it with a new Comprehensive Agreement, in compliance with Chapter 279D, Hawaii Revised Statutes ("HRS").

3. County Communication 18-380, from the Director of Transportation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040, MAUI

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COUNTY CODE, RELATING TO POLICY BOARD
MEMBERSHIP.”

The purpose of the proposed bill is to amend Section 2.35.040, Maui County Code (“MCC”), to increase the number of Maui MPO policy board members from seven to nine, and require policy board membership to include at least one member who shall be a member of the State Senate and a resident of Maui island appointed by the Senate President, and at least one member who shall be a member of the State House of Representatives and a resident of Maui island appointed by the Speaker of the House of Representatives.

Your Committee notes the Mayor shall not enter into any intergovernmental agreement which places a financial obligation upon the County or any department or agency thereof, unless authorized by ordinance pursuant to Section 2.20.020, MCC.

Your Committee further notes Section 279D-3, HRS, provides that a metropolitan planning organization shall operate according to executed comprehensive agreements, including any supplemental agreements between the State, County, and other operators of public transportation receiving Federal funds.

The Executive Director of the Maui MPO said the Maui MPO is responsible for the “continuing, cooperative, and comprehensive” transportation planning for the island of Maui, in accordance with Title 23, United States Code Section 134, Federal Highway Administration, which provides Federal funding annually for transportation projects on Maui.

She outlined the following changes necessary to the Agreement originally executed in July 2016 to comply with Federal regulations: 1) to include the Maui MPO as a party to the Agreement; 2) to more clearly identify roles and technical responsibilities of the State, County, and the Maui MPO as outlined in a table attached to the Agreement, entitled “Maui

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MPO Transportation Planning Process Technical Elements Responsibility”; and 3) to comply with changes to the policy board membership pursuant to State of Hawaii Act 072 approved by the Governor on June 29, 2018.

With the proposed changes to the policy board membership, your Committee noted the County will be allowed six votes, including three from each of the three appointed Councilmembers, and one vote each from the directors of the County Departments of Planning, Public Works, and Transportation. The State will be allowed three votes, including one from the Director of the State Department of Transportation, and one vote each from legislators of the State Senate and the State House of Representatives.

Your Committee noted State buy-in is crucial for the funding of transportation projects. The addition of two State legislators on the Maui MPO will help to obtain the necessary support for transportation projects on Maui funded through the State.

The Executive Director noted the Maui MPO supported and approved the revisions to the Agreement.

Your Committee voted 6-1 to recommend passage of the proposed bill relating to an intergovernmental agreement with the State of Hawaii and the filing of County Communication 18-379. Committee Chair Sugimura, Vice-Chair Crivello, and members Atay, Carroll, Cochran, and King voted “aye.” Committee member Hokama voted “no.” Committee members Guzman and White were excused.

Your Committee voted 5-2 to recommend passage of the proposed bill relating to policy board membership, and the filing of General Communication 17-2 and County Communication 18-380. Committee Chair Sugimura, Vice-Chair Crivello, and members Carroll, Cochran, and King voted “aye.” Committee members Atay and Hokama voted “no.” Committee members Guzman and White were excused.

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Your Committee is in receipt of a revised proposed bill relating to an intergovernmental agreement with the State of Hawaii, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Committee is also in receipt of a revised proposed bill relating to policy board membership, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

Your Policy, Economic Development, and Agriculture Committee **RECOMMENDS** the following:

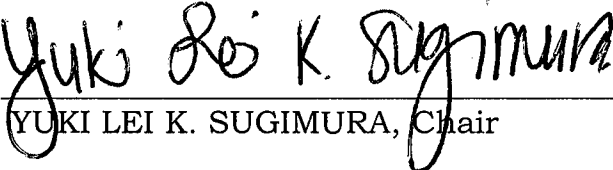
1. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS RELATING TO THE MAUI METROPOLITAN PLANNING ORGANIZATION," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2018), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040, MAUI COUNTY CODE, RELATING TO POLICY BOARD MEMBERSHIP," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That General Communication 17-2 be FILED;
4. That County Communication 18-379 be FILED; and
5. That County Communication 18-380 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



YUKI LEI K. SUGIMURA, Chair

pea:cr:18024aa:ske

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS RELATING TO THE MAUI METROPOLITAN PLANNING ORGANIZATION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. Metropolitan planning organizations designated pursuant to 23 United States Code section 134(d) are required to meet all requirements of 23 United States Code sections 134-135 and 49 United States Code sections 5303-5304, as amended, and any federal regulations adopted pursuant thereto. Additionally, a metropolitan planning organization is also required to comply with Chapter 279D, Hawaii Revised Statutes. Section 279D-3, Hawaii Revised Statutes, provides that a metropolitan planning organization shall operate according to executed comprehensive agreements, including any supplemental agreements, between the State, County, and other operators of public transportation receiving federal funds.

To enable the County to receive federal funding for transportation planning, the Maui Metropolitan Planning Organization has been designated as the agency to carry out the “continuing, cooperative and comprehensive” transportation planning process, in accordance with the terms set forth in the Maui Metropolitan Planning Organization Comprehensive Agreement, attached hereto and incorporated herein by reference as Exhibit “A”. The Agreement will rescind and replace the Comprehensive Agreement entered into on July 18, 2016

between the State and County.

Section 2.20.020, Maui County Code, provides that, unless authorized by ordinance, the Mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof.

SECTION 2. Council authorization. Pursuant to Section 2.20.020, Maui County Code, the Council of the County of Maui hereby authorizes the Mayor to enter into an intergovernmental agreement, in the form attached hereto as Exhibit "A".

SECTION 3. Effective date. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

LF 2014-1954 / 2017-0098
PEA 24 2018-11-02 Ordinance

COMPREHENSIVE AGREEMENT

THIS COMPREHENSIVE AGREEMENT is made and entered into on this ___ day of _____, 2018 by and among the Maui Metropolitan Planning Organization ("Maui MPO"), and the State of Hawaii ("State"), by its Governor, and the County of Maui ("County"), by its Mayor.

WHEREAS, 23 United States Code ("U.S.C.") Section 134 and 49 U.S.C. Section 5303, as amended, set forth the national statutory and policy requirements that the Metropolitan Planning Organization ("MPO") designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process ("3-C Planning Process"), including the development of a long-range transportation plan (Maui Island Long Range Transportation Plan "LRTP") and a transportation improvement program ("TIP"), that encourages and promotes the safe and efficient development, management, and operation of surface transportation system to serve the mobility needs of people and freight including accessible pedestrian walkways and bicycle transportation facilities; and

WHEREAS, 23 U.S.C. 104, as amended, and 49 U.S.C. 5305(d), as amended, authorize funds to be made available to the MPOs designated by the Governor to support the multimodal 3-C Planning Process; and

WHEREAS, the applicable sections of the Code of Federal Regulations ("CFR") require that (1) to comply with 23 CFR 450.310 the MPO designation shall be made by agreement between the Governor and the County and (2) to comply with 23 CFR 450.314 the MPO, the State, and the County shall jointly determine their mutual responsibilities for cooperatively carrying out the multimodal 3-C Planning Process. These responsibilities shall be clearly identified in an agreement among the MPO, State and the County; and

WHEREAS, the applicable Federal regulations provide that, to the extent possible, there be one cooperative agreement containing the required understandings among the State, the County, and the MPO to include specific provisions for cooperatively developing and sharing data and information related to the development of the financial and other plans that support the LRTP, the TIP, the annual listing of obligated projects, and other requirements established in 23 CFR 450 Subpart C; and

WHEREAS, Maui MPO is the MPO for the island of Maui which serves an urbanized area that is greater than 50,000 people, but less than 200,000 people; and

WHEREAS, 23 CFR 450.314 requires that an agreement be developed and shall include specific provisions for cooperatively developing and sharing data and information and shall cooperatively determine their responsibilities in carrying out the multimodal 3-C Planning Process; and

WHEREAS, Chapter 279D of the Hawaii Revised Statutes provides for designation of an MPO and identifies roles and responsibilities of MPO staff; and

WHEREAS, the consequences of not having a MPO for the island of Maui include a portion of Federal Highway Administration ("FHWA") and Federal Transit Administration ("FTA") funds being withheld, and processing and approval of federally required documents cannot be completed; and

WHEREAS, the public is best served through an open and collaborative transportation planning process in which responsible government agencies have a common understanding of the needs and concerns of users, and work together to develop a transportation system that is responsive to those needs and concerns;

NOW THEREFORE, the parties hereto do mutually agree as follows:

A. COMPREHENSIVE AGREEMENT DATED JULY 18, 2016

A.1. Rescinding Prior Comprehensive Agreement and Approving a New Comprehensive Agreement. The Comprehensive Agreement entered into July 18, 2016 by the State and the County is hereby rescinded and is replaced by this Comprehensive Agreement, dated _____, 2018.

B. MAUI MPO ORGANIZATION AND STRUCTURE

B.1. Policy Board. Pursuant to 23 U.S.C. 134, the governing of the multimodal cooperative, comprehensive, and continuing (3-C) Planning Process for the island of Maui shall be vested in the Maui MPO Policy Board ("Policy Board").

The responsibilities of the Policy Board include assuring that full compliance is achieved with the requirements of 23 U.S.C. 134 and 135 and 49 U.S.C., Chapter 5303 and 5304, 23 CFR 450 Subpart C, 2 CFR 200, and other applicable Federal laws and regulations and approving the use of funds provided under this Comprehensive Agreement in accordance with 23 U.S.C. 134(f) and 49 U.S.C. 5303. The Policy Board is the decision-maker on the use of federal-aid transportation funds in the Maui MPO metropolitan planning area, which encompasses the island of Maui.

B.2. Policy Board Members. The Policy Board shall be composed of nine (9) members. Each member of the Policy Board shall be entitled to vote on matters related to Maui MPO, and these members shall include:

- (a) The director of the Hawaii Department of Transportation or any successor department thereof with primary responsibility for statewide transportation project implementation;
- (b) The director of the County Department of Public Works;
- (c) The director of the County Department of Transportation;
- (d) The director of the County Department of Planning;
- (e) Three (3) members of the County Council appointed by the Council Chair;
- (f) One (1) member of the Senate, who shall be a resident of Maui island and shall be appointed by the Senate President; and
- (g) One (1) member of the House of Representatives, who shall be a resident of Maui island and shall be appointed by the Speaker of the House.

The Policy Board shall operate under bylaws that shall specify the name and authority of the Maui MPO Policy Board, consistent with applicable Federal statutes and regulations, and its purpose, qualifications of members, officers and elections, committees, meeting schedule, and other operating rules as needed. Policy Board decisions shall be made by a majority vote of the members present at a properly noticed meeting at which a quorum is present. Five (5) members shall constitute a quorum. Support services for the Policy Board shall be provided by the Maui MPO staff.

B.3. Technical Advisory Committee. The Maui MPO shall have one Technical Advisory Committee ("TAC") to advise the Policy Board on technical matters. The TAC shall be an integral part of the Maui MPO multimodal 3-C Planning Process and shall serve to keep the Policy Board informed as to the technical merits and issues of any plan, study, project, or other product or process of Maui MPO. The members of the TAC shall be determined by the Policy Board based upon adopted bylaws that govern the TAC and identify the TAC's purpose, membership, officers and elections, meetings and other operating rules as needed. The TAC may recommend that the Policy Board take specific action. Support services for the TAC will be provided by the Maui staff.

Maui MPO Policy Board may, at its own discretion and upon approval of a

majority of its members, authorize the formation of any additional advisory committees. Each advisory committee's members, officers and elections, meetings, and other operating rules as needed shall be identified in bylaws which must be approved by the Policy Board including any amendments thereto. The purpose of an advisory committee is to evaluate and advise the Policy Board as to the merits and issues of any plan, study, project or process of Maui MPO. Advisory committees may recommend that the Policy Board take specific action. Support services for advisory committees shall be provided by the Maui MPO staff. Any advisory committee, including the TAC, may, at its own discretion and upon approval of a majority of its members, form one or more sub-committee(s).

B.4. Administration. The Maui MPO shall enter into an administrative supplemental agreement with its host agency, the County Department of Transportation ("MDOT"), assigning responsibility for administrative tasks between MDOT and Maui MPO. The Executive Director shall approve the administrative supplemental agreement on behalf of Maui MPO.

Concerning those administrative tasks in the administrative supplemental agreement, the Maui MPO Executive Director, whose powers and duties are more fully described in Section D.3 below, and MDOT shall work cooperatively together to ensure the timely and efficient completion of administrative tasks.

C. MAUI MPO FISCAL AND FUNDING RESPONSIBILITIES

C.1. Funding. The funding of the Maui MPO shall be identified in the UPWP (described in paragraph E.2 herein), which shall be developed by the Maui MPO in consultation with the State and County in accordance with the guidelines set forth in Federal regulations and submitted by the chair of the Policy Board for Federal Highway Administration ("FHWA") and Federal Transit Administration ("FTA") approval.

As the recipient of federal planning funds authorized under 23 U.S.C. 104, as amended, and 49 U.S.C. 5305(d), the State shall make the portion of the funds determined by the agreed-to *Hawaii's Planning Funds Distribution Formula to the MPO's* available to Maui MPO. It shall be the responsibility of the Maui MPO and the State and County to seek the necessary Federal and local (State and County) planning funds to carry out the multimodal 3-C Planning Process. The State and the County shall share equally in the local funding necessary or required to maintain a viable and certifiable multimodal 3-C Planning Process. The total amount of local funding required to sustain the Maui MPO will be determined by a financial supplemental

agreement, as approved by the State, County, and Maui MPO. The amount of the local funding requirements shall be reviewed at least once every three (3) years, as stated in the financial supplemental agreement.

The State and County shall commit to recommending approval during their respective budget cycles of the amount of local funds agreed to by the parties. These funds will be considered as dues required to maintain the Maui MPO. The local source of the funds will not be linked to any specific UPWP project and will not lapse less than three years after obligation, subject to any applicable federal or state law that requires the funds to lapse prior to the three year period. The balance of unencumbered local funds and dues budgeted and provided by the State and County for that year's UPWP shall be used towards the following year's UPWP local funds and dues. The unencumbered balance shall be subtracted from the State and County's following year's dues that the total equals to the agreed amount for the following year's local funds and dues amount. The pooled local funds will be used to match Federal funds based on the approved UPWP. They may also be used to fully fund projects not involving any Federal funds as determined by the approved UPWP.

C.2. Fiscal Responsibilities. The fiscal responsibilities of the Maui MPO and State are as follows:

(a) The Maui MPO shall establish policies and procedures consistent with 2 CFR 200 and the fiscal requirements for an administratively assigned agency pursuant to Chapter 2.35 of the Maui County Code. Maui MPO as a separate agency, sub-recipient of federal funds, and an administratively assigned agency shall maintain the required accounting records for Federal, State, and local funds consistent with current Federal and State regulations. Further, Maui MPO shall provide all appropriate financial controls to comply with current Federal and State regulations.

(b) As it pertains to the agency's operations the Maui MPO shall maintain the appropriate fiscal documents and financial controls for the agency's budget and expenditures, such as for the UPWP, overhead, payroll, procurement, contracting and purchases.

(c) HDOT shall provide the fiscal functions required for a pass through State Transportation Department of federal funds.

C.3. Federal Funding Authorization and Appropriation. HDOT will request authorization and appropriation of FHWA Planning ("PL") funds and FTA 5303 funds as

described in the UPWP at the beginning of each federal fiscal year. Maui MPO will provide a written request to HDOT to modify the original authorization if the UPWP is subsequently revised necessitating a revision to the original authorization.

HDOT agrees to pass through to the Maui MPO the Federal funds identified in the UPWP within 30 days of submittal of the Maui MPO appropriation request. Eligible funds shall be as defined by 23 CFR 420.113 and 49 CFR 5303, as amended. HDOT's release of funds is contingent upon the projected expenditure being authorized in the UPWP as approved by the Policy Board, the FHWA, and the FTA.

D. MAUI MPO MULTIMODAL 3-C PLANNING PROCESS

D.1. Responsibilities. The multimodal 3-C Planning Process is an open and continuing collaborative process based upon the application of multi-disciplinary technical expertise to identify and address the transportation issues, needs, and concerns of the community. The early and ongoing involvement of the public is an integral part of this process; the Policy Board will adopt a Public Participation Plan in support of this policy. In this context, the Maui MPO shall develop the transportation plans, programs, planning processes, and policies as required by the appropriate Federal statutes and regulations. It may adopt procedures and enter into or concur with supplemental agreements and understandings regarding agency responsibilities in order to facilitate the development and application of these plans, programs, planning processes, and policies. The responsibilities for areas of basic technical support for Maui MPO, State and County are as identified in Table 1 attached hereto and made a part hereof.

The Maui MPO shall coordinate its programs with those of the State and the County. It shall consult with the State and County whenever transportation planning matters affecting Maui island are involved as defined within Federal statutes and regulations.

D.2. Powers and Duties of the Policy Board. The Maui MPO Policy Board's powers and duties shall include, but not be limited to, the following:

(a) Fulfill the Federal requirements as set forth in Federal statutes and regulations 23 U.S.C. 134 and 135, 49 U.S.C. 53, 23 CFR 450, 49 CFR 5303 and 5304, and 2 CFR 200.

(b) Fulfill the Federal purpose of the Maui MPO which is to carry out a multimodal 3-C Planning Process, including the development of the LRTP and TIP (among

others), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight including accessible pedestrian walkways and bicycle transportation facilities.

(c) Fulfill the requirements of 23 CFR 450.306 and 23 CFR 450.308 by approval of Maui island's multimodal 3-C Planning Process and approval of the annual UPWP to identify all of the activities, programs, projects, agreements, committees, studies, and funding needed to support the multimodal 3-C Planning Process.

(d) Fulfill the requirements of 23 CFR 450.318 by approval of transportation planning studies which lead to project development. The Policy Board shall approve the results of studies as part of the overall project development process consistent with the National Environmental Policy Act ("NEPA") 42 U.S.C. 4321 and associated implementing regulations 23 CFR 771 and 40 CFR 1500-1508.

(e) Fulfill the requirements of 23 CFR 450.322 by approval of the LRTP updated every five years with at least a twenty year planning horizon; and

(f) Fulfill the requirements of 23 CFR 450.324 and 23 CFR 450.326 by approval of the TIP with a reasonable opportunity to comment by all interested parties as required by 23 CFR 450.316; and

(g) Fulfill the requirements of 23 CFR 450.330 by approval of the selection of only those projects in the first year of the TIP. For projects included in the second, third, or fourth year of the TIP, the project selection process must be consistent with the procedures stated in 23 CFR 450.324(b)-(c) unless expedited project selection procedures are developed and approved under the multimodal 3-C Planning Process.

D.3. Powers and Duties of the Maui MPO Executive Director and Staff.

The Maui MPO shall have an Executive Director who shall be responsible for the conduct and administration of the multimodal 3-C Planning Process. The Executive Director shall be appointed by the Policy Board. The Executive Director may be supported by staff known as the Maui MPO staff and shall be responsible for the management of said staff. Nothing herein shall be deemed to prohibit the Maui MPO from using, through contractual agreements, the staff resources of other local agencies, State agencies, and other quasi-public or private organizations to assist the Maui MPO in its functions.

The Executive Director shall be responsible for those matters of administration assigned to the position in the administrative supplemental agreement. At a minimum, the Executive Director shall be responsible for day-to-day supervision and management of the Maui MPO staff; recruiting and hiring staff to fill positions authorized by the Policy Board; fiscal management, including procurement of goods and services consistent with 2 CFR 200; implementation of policy; and project direction, coordination, and oversight for activities within the purview of the Maui MPO. The Executive Director shall consult, as needed, with the Policy Board in carrying out these responsibilities. The duties of the Executive Director, together with other Maui MPO staff, shall include, but shall not necessarily be limited to, the following:

- (a) Provide information and analyses to the State Legislature and Executive Departments, the County Council, and the appropriate State and County authorities in carrying out cooperative, comprehensive, and continuing multimodal transportation planning and programming for Maui;
- (b) Obtain information and plans from the State and County, review them for consistency with the LRTP, and advise the appropriate body whenever there appear to be inconsistencies;
- (c) Review the capital improvement programs of the State and the County for urbanized and rural areas of Maui island as they concern land use and transportation;
- (d) Cooperate and coordinate with the State in the statewide transportation planning program;
- (e) Develop recommendations, based upon federal transportation planning regulations and guidelines, and upon any direction that may be provided by the Policy Board, to the State and the County Council regarding transportation policy matters;
- (f) Obtain requisite data and update and maintain the Travel Demand Forecasting Model;
- (g) Execute a multimodal 3-C transportation planning process carried out cooperatively by the State and County.
- (h) After authority has been provided by the Policy Board, receive, expend, and distribute, as necessary:

- (1) Federal funds to carry out the provisions of the appropriate Federal highway and transit regulations; and
 - (2) Such other funds as may become available to support metropolitan transportation planning,
- (i) Advise on plans, projects, and programs requiring action by the State Legislature and/or County Council which have been submitted to the Maui MPO for review;
 - (j) Be responsible for the conduct and administration of the multimodal 3-C Planning Process, including the undertaking of such other functions as may become appropriate to ensure a cooperative, comprehensive, and continuing multimodal transportation planning process among the State, the County and other entities; and consult, coordinate, and advise appropriate jurisdictions and authorities, legislative bodies, boards, and agencies, as necessary, consistent with Federal statutes and regulations.

E. MAUI MPO PRODUCTS

E.1. Long Range Transportation Plan ("LRTP"). Pursuant to 23 CFR 450.322, the Maui MPO staff, in consultation and cooperation with the State and the County, shall develop and submit to the Policy Board for its approval a LRTP, developed in accordance with Federal statutes and regulations, that includes at least a twenty-year planning horizon. It shall reflect early and continuing participation by the State, County, private citizens, and other interested or involved parties, including those traditionally underserved as defined in Title VI and environmental justice Executive Orders and guidance from both FHWA and FTA. The LRTP shall include both long-range and short-range regional strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the safe and efficient movement of people and goods in addressing current and future transportation demand, consistent with the Federal planning factors established in Federal statutes and regulations. The LRTP shall be reviewed and updated, at least once every five years. The Maui MPO staff, State and County shall validate data used in preparing other existing modal plans for providing input to the LRTP; and shall cooperatively develop estimates of funds that are assured to be available to support LRTP implementation. The LRTP, its revisions, and updates shall be approved by the Policy

Board. It shall be submitted for informational purposes to the Governor and provided to the FHWA and FTA. The Policy Board may adopt guidelines and procedures to facilitate development and administration of the LRTP. The LRTP shall comply with the appropriate implementing Federal regulations.

E.2. Unified Planning Work Program ("UPWP"). Pursuant to 23 CFR 450.308, the Maui MPO staff, in cooperation with the State and County, shall develop, in accordance with Federal statutes and regulations, a Unified Planning Work Program, also known as the UPWP, that describes the transportation and transportation-related planning activities anticipated on Maui island during the next fiscal period. It shall document the transportation planning activities to be funded under the appropriate Federal regulations. Upon endorsement by the Policy Board, the UPWP shall be transmitted by the Executive Director to the FHWA and FTA for approval.

E.3. Maui Transportation Improvement Program ("TIP"). Pursuant to 23 CFR 450.324, the Maui MPO staff, in consultation and cooperation with the State and County, in accordance with Federal statutes and regulations, shall develop a TIP that reflects the Policy Board's prioritization and selection of federal-aid and regionally significant transportation programs and projects to be implemented for Maui island during the TIP program period. The TIP shall be: (1) financially constrained, recognizing that programmed revenues and project costs are estimates, and (2) consistent with the LRTP. The TIP shall comply with the appropriate implementing Federal regulations. The Maui MPO and the State and the County shall cooperatively develop estimates of the assured sources of funds that are to be available to support TIP implementation.

The TIP shall cover a period of four years, and a new TIP will be adopted at least once every four years. The State and County shall coordinate project proposals with the appropriate permitting and resource agencies, as necessary, in accordance with applicable interagency agreements. The TIP shall be prepared in conjunction with the Statewide Transportation Improvement Program ("STIP"). Upon approval by the Policy Board, the TIP, together with all revisions, shall be transmitted to the Governor (or the Governor's designee) for incorporation as the Maui island element of the STIP.

The Maui MPO and the State, and County shall cooperatively develop semi-annual status reports of progress toward TIP project implementation. On an annual basis, at the end of the program year, the Maui MPO and the State and County shall cooperatively

develop a listing of multimodal transportation projects for which Federal funds were obligated in the preceding program year. The listing shall include all Federally-funded projects authorized or revised to increase obligations in the preceding program year.

The Policy Board may adopt TIP development and revision guidelines and procedures to ensure: (1) consultation and cooperation with the appropriate permitting and resource agencies, (2) coordination with the STIP, (3) opportunities for public participation, (4) consistency with the LRTP, and (5) compliance with applicable Federal requirements.

E.4. Participation Plan. Pursuant to 23 CFR 450.316, the Maui MPO shall cooperatively develop, with the State and County, a participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The participation plan shall describe explicit procedures, strategies, and desired outcomes for:

- a) Providing adequate notice of public participation activities and times for review and comment at key decision points, including but not limited opportunities for comment on the proposed LRTP, TIP, and UPWP;
- b) Providing timely notice and reasonable access to information about Maui MPO transportation issues and processes;
- c) Employing visualization techniques to describe the LRTP and TIP;
- d) Making public information available in electronically accessible formats and means;
- e) Holding public meetings at convenient and accessible locations and times;
- f) Demonstrating consideration of and response to public input received during the development of the LRTP, TIP, and UPWP;
- g) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households;
- h) Providing additional opportunity for review and comment if the final LRTP, TIP, or UPWP differs significantly from the version that was made available for review and comment;

- i) Coordinating with the statewide transportation planning public involvement and consultation processes;
- j) Periodically reviewing the effectiveness and performance of the procedures and strategies contained in the participation plan to ensure a full and open public participation process.

E.5. Other Planning Work Products. Maui MPO shall prepare such other plans, programs, or documents necessary to fulfill applicable Federal requirements. Maui MPO shall consult with the State and the County in other transportation planning matters that affect Maui island's transportation system.

E.6. Coordination with Other Planning Products. As necessary, Maui MPO may establish guidelines to ensure that planning work and environmental compliance products reasonably expected to impact the agency's work products are prepared in accordance with the requirements of the multimodal 3-C Planning Process and NEPA. Such planning work products include, but are not limited to, Environmental Impact Statements, Environmental Assessments, area transportation master plans, modal/ facility master plans, corridor studies, management systems, and the Transportation Alternatives Program.

F. MANAGEMENT OF THIS AGREEMENT

F.1. Revisions, Additions, or Modifications. This Comprehensive Agreement is subject to mutual understandings and agreements among the parties hereto; and any revisions, additions, or modifications are subject to the approval of all of said parties. This Comprehensive Agreement will be reviewed and reevaluated periodically by the parties of the said agreement to ensure the Maui MPO is meeting the needs of the parties.

F.2. Disputes. The parties hereto shall make a good-faith effort to resolve any disputes related to Maui MPO.

IN WITNESS WHEREOF, the State, by its Governor; the County, by its Mayor, and Maui MPO, by its Chairperson, have executed this Comprehensive Agreement to be effective on the first date written above.

STATE OF HAWAII

By Its Governor

COUNTY OF MAUI

By Its Mayor

MAUI METROPOLITAN PLANNING ORGANIZATION

By Its Chairperson

AS TO FORM:

Deputy Attorney General

APPROVED AS TO FORM & LEGALITY:

County of Maui Deputy Corporation Counsel

Table 1
Maui MPO Transportation Planning Process
Technical Elements Responsibility

Technical Element	Maui MPO	County	State
<u>Data Update and Maintenance</u>			
Population Forecasting			X
Population, Allocation of Forecasted Totals		X	
Socioeconomic, Demographic		X	
Land Use		X	
Highway System/Facilities		X	X
Transit System/Facilities		X	
Airport/Harbor Facilities			X
Bicycle/Pedestrian Enhancement Facilities	X	X	X
Traffic		X	X
Travel Patterns	X	X	
<u>Technical Documents</u>			
Maui Island General and Community Plans		X	
Statewide Transportation Plan			X
Maui Island LRTP	X		
UPWP	X		
Statewide TIP			X
Maui TIP	X		
Harbors Master Plan			X
Airports Master Plan			X
Local Area Plans		X	
Transportation Sub-Area Planning Studies	X	X	
Multimodal Corridor Planning Studies	X	X	X
Coastal Zone Management Plan			X
Ocean Resources Management Plan			X
Climate Change and Extreme Weather Studies		X	X
<u>Models</u>			
Transportation Forecasting	X		
Land Use		X	
Econometric			X
Population		X	X
Climate and Weather			X
<u>Management Systems</u>			
Asset Management Systems		X	X

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040,
MAUI COUNTY CODE, RELATING TO POLICY BOARD MEMBERSHIP

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. State of Hawaii Act 072, approved by the Governor on June 29, 2018, amends Section 279D-2, Hawaii Revised Statutes, to require policy board membership to include at least one member who shall be a resident of the applicable metropolitan planning area and a member of the Senate appointed by the President of the Senate; and at least one member who shall be a resident of the applicable metropolitan area and a member of the House of Representatives appointed by the Speaker of the House of Representatives.

SECTION 2. Section 2.35.040, Maui County Code, is amended to read as follows:

“2.35.040 Policy board membership. The policy board shall be composed of [seven] nine members. The policy board shall include:

A. The director of the State [Department of Transportation] department of transportation or any successor department thereof with primary responsibility for statewide transportation project implementation.

B. Three members of the Maui [County Council] county council appointed by the council chair.

C. The director of the County department of planning.

D. The director of the County department of public works.

E. The director of the County department of transportation.

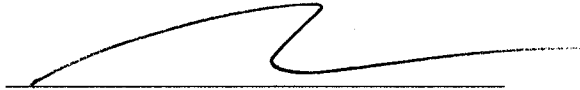
F. One member of the State senate, who shall be a resident of Maui island and shall be appointed by the senate president.

G. One member of the State house of representatives, who shall be a resident of Maui island and shall be appointed by the speaker of the house.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Department of Corporation Counsel
County of Maui

LF 2017-0098 / 2016-0849
2018-11-15 Ordinance