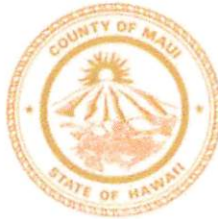


**MICHAEL P. VICTORINO**  
Mayor

**MARC I. TAKAMORI**  
Director

**MICHAEL B. DU PONT**  
Deputy Director



**DEPARTMENT OF TRANSPORTATION**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

TELEPHONE: (808) 270-7511  
FAX: (808) 270-7505

December 2, 2021

Ms. Michelle M. Yoshimura  
Budget Director, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

*Michael P. Victorino* 12/4/21  
\_\_\_\_\_  
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Chair  
and Members of Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

**Subject: Grant Revenue- Department of Transportation – Federal Transit Administration (FTA) and Other Transportation Program Grants for Maui Metropolitan Planning Organization (MPO)**

In accordance with Ordinance 5217, Bill 46 (2021) Draft 1, Fiscal Year 2022 Budget, we are hereby transmitting to you a copy of the notice of grant award from State Department of Transportation totaling \$200,000 for transportation planning portion of the Maui MPO FY2022 Unified Planning Work Program, a copy attached for your convenience.

Should you have any questions, please contact the Maui MPO Executive Director Lauren Armstrong at extension 8216.

Sincerely,

Marc  
Takamori  
Digitally signed  
by Marc  
Takamori  
Date: 2021.12.02  
14:34:16 -10'00'

Marc I. Takamori, Director

Attachments

Cc: County of Maui, Department of Finance, Accounting Program

COUNTY COMMUNICATION NO. 22-2

RECEIVED  
2021 DEC 30 AM 10:34  
OFFICE OF THE  
COUNTY CLERK

**COUNTY OF MAUI  
DEPARTMENT OF FINANCE**

**REQUEST FOR GRANT INDEX CODE**

County of Maui's Fiscal Year: FY2022

GRANT/PROJECT TITLE: FTA Maui MPO FY2022 UPWP

Grant No./Identification No. HI-2021-008

Grant/Performance Period: 7/23/21 to 9/30/23

Award Amount: \$200,000.00

Department's Primary Contact: Karen Tamaki

Primary Contact Phone #: 808-264-8144 (cell)

<u>Type of Grant:</u>	<u>{Check one}</u>	<u>CFDA # (1)</u>	<u>Agency Name</u>
1 Federal	<input type="checkbox"/>		
2 Fed Pass Thru' State (2)	<input checked="" type="checkbox"/>	20.205	County of Maui DOT/
3 State	<input type="checkbox"/>	n/a	Maui MPO
4 Private	<input type="checkbox"/>	n/a	
5 Other, please specify	<input type="checkbox"/>	n/a	

**Submit the following additional documents:**

- 1) Grant Agreement, or Letter of Intent to Award Funds
- 2) Respective page of the Council Adopted Budget (for original appropriation)  
OR, copy of the Ordinance, if this grant is approved via budget amendment

**For Finance/GL Section:**

Index code: \_\_\_\_\_

Sub-Object to be used for the receipt of revenue: \_\_\_\_\_

(FOR reimbursement of grant expenditures)

*Note: This form will be returned to the Department as soon as index code is created.*

(1) CFDA = Catalog of Federal Domestic Assistance (can be found on the grant application or may be obtained from the grantor (Federal Agency))

(2) Federal Pass Through State = The grant was awarded to the State. After receiving the grant, the State then passes the federal money to the county. In this situation, the County becomes a subrecipient.

**Please submit original form to Accounts G/L Section ATTN: Ortaeine Acidera.**

<ul style="list-style-type: none"> <li>(1) Disbursement for salaries and premium pay is limited to 5.0 LTA equivalent personnel.</li> </ul>	
<ul style="list-style-type: none"> <li>k. State and Federal Assets Forfeiture Program <ul style="list-style-type: none"> <li>(1) A quarterly report must be submitted to the Council on the use of forfeiture funds.</li> </ul> </li> </ul>	100,000
<ul style="list-style-type: none"> <li>l. Violence Against Women Act (VAWA) - State Attorney General</li> </ul>	90,000
10. Department of the Prosecuting Attorney	
<ul style="list-style-type: none"> <li>a. Asset Forfeitures Program <ul style="list-style-type: none"> <li>(1) A quarterly report must be submitted to the Council on the use of forfeiture funds.</li> </ul> </li> </ul>	100,000
<ul style="list-style-type: none"> <li>b. Defendant/Witness Trial Program</li> </ul>	50,000
<ul style="list-style-type: none"> <li>c. Domestic Violence Investigations Program <ul style="list-style-type: none"> <li>(1) Disbursement for salaries and premium pay is limited to 1.0 LTA equivalent personnel.</li> </ul> </li> </ul>	90,000
<ul style="list-style-type: none"> <li>d. Edward Byrne Memorial Justice Assistance Grant Program</li> </ul>	125,000
<ul style="list-style-type: none"> <li>e. Food Stamp Fraud Prosecution Program</li> </ul>	5,000
<ul style="list-style-type: none"> <li>f. Highway Safety Grant Program</li> </ul>	70,000
<ul style="list-style-type: none"> <li>g. Special Needs Advocacy Program <ul style="list-style-type: none"> <li>(1) Disbursement for salaries and premium pay is limited to 7.0 LTA equivalent personnel.</li> </ul> </li> </ul>	900,000
11. Department of Public Works	
<ul style="list-style-type: none"> <li>a. Federal Highway Administration, Federal-Aid and Other Transportation Grants</li> </ul>	10,358,600
<ul style="list-style-type: none"> <li>b. State of Hawaii Department of Transportation – Safe Routes to School Program Special Fund</li> </ul>	181,900
<ul style="list-style-type: none"> <li>c. Private Donations</li> </ul>	1,945,340
12. Department of Transportation	
<ul style="list-style-type: none"> <li>a. Federal Transit Administration (FTA) and Other Transportation Program Grants for Maui Metropolitan Planning Organization (MPO) <ul style="list-style-type: none"> <li>(1) Disbursement for salaries and premium pay is limited to 2.0 LTA equivalent personnel.</li> </ul> </li> </ul>	625,000

DAVID Y. IGE  
GOVERNOR



**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
STATEWIDE TRANSPORTATION PLANNING OFFICE  
200 RODGERS BOULEVARD  
HONOLULU, HAWAII 96819-1812**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

IN REPLY REFER TO:  
**STP 8.3298**

November 8, 2021

Ms. Lauren Armstrong  
Executive Director  
Maui Metropolitan Planning Organization  
200 South High Street  
Wailuku, Hawaii 96793

Dear Ms. Armstrong:

Subject: Executed Memorandum of Agreement (MOA) and  
Grant No. HI-2021-008 for Federal Fiscal Year 2021  
Federal Transit Administration  
Title 49 U.S.C. Section 5305(d)

Enclosed is your executed copy of the FFY 2021 Federal Transit Administration (FTA)  
49 U.S.C. Section 5305(d) MOA, Master Agreement, and grant for your reference and use.

The FTA approved Grant Number HI-2021-008 for the subject program and funds are now  
available for drawdown and use.

Quarterly reports are required and due twenty (20) days after the end of the Federal Fiscal Year  
quarter. Reimbursement requests for the subject grant must include a completed FTA Quarterly  
Progress and Expenditure Report and back up information.

Should you have any questions, please contact Mr. Tad Nakayama of the Statewide  
Transportation Planning Office at (808) 831-7987.

Sincerely,

A handwritten signature in black ink, reading "Pradip R. Pant".

PRADIP R. PANT, Ph.D.  
Planning Program Administrator

Attachment: FFY 2021 FTA 49 U.S.C. Section 5305(d) MOA  
Federal Transit Administration Master Agreement  
Grant No. HI-2021-008

## **MEMORANDUM OF AGREEMENT**

THIS MEMORANDUM OF AGREEMENT (hereinafter "MOA"), made this 04 day of November, 20<sup>21</sup>, by and between the State of Hawaii, acting through its Department of Transportation, by its Director of Transportation (hereinafter "HDOT") and the Maui Metropolitan Planning Organization ("Maui MPO"), by its Executive Director, whose business address is 200 S. High Street, Wailuku, HI 96793, who is a Subrecipient as defined in 49 U.S.C. Chapter 53 (hereinafter "Subrecipient").

### **WITNESSETH THAT:**

WHEREAS, Public Law 109-59, codifies Federal Transit laws under Title 49, Chapter 53, Section 5305(d), of the United States Code, as amended, hereinafter referred to as "Section 5305(d)," provides for metropolitan transportation planning activities performed with formula program grant funding, including, without limitation: capital, operating, and project administration grants to Subrecipients in metropolitan planning areas, for the specific purpose of assisting Subrecipients in providing funds for projects described in its Unified Planning Work Program (hereinafter "UPWP") and the process for developing transportation plans and programs that provide for consideration of all modes of transportation, and must be continuous, cooperative, and comprehensive, based on the complexity of the transportation problems to be addressed; and

WHEREAS, the Governor of the State of Hawaii, in accordance with the United States Department of Transportation, Federal Transit Administration (hereinafter "FTA") has

designated the HDOT to administer and manage Section 5305(d) funding, and evaluate and select projects proposed by the applying Subrecipient for metropolitan areas; and

WHEREAS, the HDOT and the Subrecipient desire to secure and utilize grant funds to meet the general public transportation needs of the State of Hawaii, in a continuing, cooperative, and comprehensive manner;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the HDOT and the Subrecipient agree as follows:

Section 1. Purpose of Agreement. The purpose of this Agreement is to designate the Maui Metropolitan Planning Organization as the Subrecipient of Section 5305(d) funds in order to enable the Subrecipient to provide project funding for its program, and provide for the process in developing transportation plans and programs, as described in the FTA Award dated 7/23/21 and for the Federal Fiscal Year 2021, hereinafter referred to as the “Project”, and to state the terms, conditions, and mutual understandings of the parties as to the manner in which the Project will be undertaken and completed.

Section 2. Programmatic History. Section 5305(d), as administered by FTA, was established with the purpose “[to provide] funding and procedural requirements for multimodal transportation planning in metropolitan areas and states that is cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs of transportation investment priorities.”<sup>1</sup> The traditional recipient for metropolitan, statewide and nonmetropolitan

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<sup>1</sup> As noted in the Section 5303-5304-5305 (Metropolitan & Statewide and Nonmetropolitan Transportation Planning) Fact Sheet: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/5303-5304-5305 Program Metropolitan and Statewide Planning Fact Sheet FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/5303-5304-5305%20Program%20Metropolitan%20and%20Statewide%20Planning%20Fact%20Sheet%20FINAL.pdf)

transportation planning for Section 5305(d) funding in the State of Hawaii has been the HDOT. Eligible activities for said funding includes the development of transportation plans and programs; planning, design, and evaluation of public transportation projects; and conducting technical studies related to public transportation.<sup>2</sup> The current authorization for Section 5305(d) funding arises from the Fixing America's Surface Transportation (FAST) Act, Section 3003.

Section 3. Scope of Project. The Subrecipient shall undertake and use the Project, as filed with and approved by the HDOT and FTA via appropriate process(es), as follows:

- 1) In accordance with the terms and conditions of this MOA;
- 2) All applicable Federal, State, and local requirements;
- 3) The FTA Master Agreement<sup>3</sup> (incorporated by reference herein);
- 4) The FTA Award, dated 7/23/21 (hereinafter "Award," attached as Exhibit "A" and incorporated by reference herein).

Section 4. Period of Performance. The period of performance of the MOA shall be for the period the Section 5305(d) funds are available to the HDOT.

Section 5. Cost of Project. The cost of the Project shall be in the amount indicated by the Award, filed with and approved by the HDOT and FTA via appropriate process(es), and shall be borne in the manner described therein. The Subrecipient agrees that it will provide the local share, defined as all costs of any Project remaining after the contribution of Federal Funds, for Project in cash from sources other than Federal funds or from Federal sources only when appropriate Federal legislation specifically authorizes its use as local share. The Subrecipient shall initiate and prosecute to completion all actions necessary to enable the Subrecipient to

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<sup>2</sup> Ibid.

<sup>3</sup> Found at: <https://www.transit.dot.gov/sites/fta.dot.gov/files/2021-02/FTA-Master-Agreement-v28-2021-02-09.pdf>

provide its share of Project costs at or prior to the time that such funds are needed to meet the Project cost. The Subrecipient further agrees that no reduction of the amount so provided by the Subrecipient will be made unless there is at the same time a return to the HDOT of a proportional amount of the FTA grant funds.

Section 6. Administration of Project and Related Operations. FTA funds used for Project administration and related operations shall be as described in the Award. The Subrecipient shall ensure that project administration financed by funds through this MOA are undertaken in accordance with said MOA. The Subrecipient shall notify the HDOT immediately concerning the funds used for project administration or other related costs that are not consistent with the use described in the Award.

Section 7. Project Responsibilities. The Subrecipient shall ensure that the Project and all related capital purchases are financed by funds through this MOA are undertaken, completed and operated in accordance to the MOA and the attached Certifications and Assurances marked as Exhibit "B" (incorporated herein by reference).

The Subrecipient shall keep or cause to be kept satisfactory records with regard to the use of all project administration activities and shall submit or cause to be submitted to the HDOT upon request such information as the HDOT may require in order to ensure compliance with Section 5305(d) requirements and this MOA.

Section 8. Administration Responsibility. The Subrecipient shall ensure that projects to fund eligible administration costs financed by funds through this MOA are undertaken, completed, operated, and maintained in accordance to this MOA and the Certifications and Assurances contained in the FTA Master Agreement, referred to above.



Section 9. Compliance Responsibility. The Subrecipient shall keep or cause to be kept satisfactory records with regard to the use of all project funds and shall submit or cause to be submitted to the HDOT upon request such information as the HDOT may require in order to assure compliance with Section 5305(d) requirements and this MOA.

Section 10. Agreements and Contracts Under This MOA. Agreements and contracts between the Subrecipient and any and all applicable contractors, subcontractors, or other third parties contracting with the Subrecipient are subject to all applicable Federal, State, and Local requirements and regulations governing the receipt and use of FTA funds. Further, the Subrecipient shall not assign any portion of the work to be performed under this MOA, or execute any other agreement or contract, or obligate itself in any manner to, any third party with respect to the Subrecipient's rights and responsibilities under this MOA without the prior notification, review, and approval of the HDOT.

In the event that the Subrecipient obtains services for this Project from a third party, then the Subrecipient must obtain approval from the HDOT prior to the solicitation of said services AND the following requirements, numbered a) through g), shall apply:

- a) Federal Requirements. Each Subrecipient must include all clauses required by Federal statutes, Executive Orders and related implementing regulations and obtain any and all required Federal certifications.
- b) State Law Compliance. Each Subrecipient shall follow state law, administrative rules and procedures when awarding and administering agreements and contracts.
- c) Contract Period of Performance Limitation. Each Subrecipient shall not enter into any agreement or contract with a period of performance exceeding two (2) years, inclusive of options, without prior written HDOT approval.

d) **Full and Open Competition.** All services for Project from other than the Subrecipient under this MOA will be conducted in a manner providing full and open competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

- 1) Unreasonable requirements placed on firms in order for them to qualify to do business;
- 2) Unnecessary experience and excessive bonding requirements;
- 3) Noncompetitive pricing practices between firms or affiliated companies;
- 4) Noncompetitive awards to any person or firm on retainer contracts;
- 5) Organizational conflicts of interest which means that because of activities, relationships, agreements, or contracts: (a) a Subrecipient is unable, or potentially unable, to render impartial assistance or advice to the prospective assignee or any beneficiary of the services to be provided by the Subrecipient under this MOA, (b) a Subrecipient's objectivity in performing the contract work is or might be otherwise impaired, or (c) the Subrecipient has an unfair competitive advantage; and
- 6) Any arbitrary action in the procurement process.

e) **Prohibition Against Geographic Preferences.** Each Subrecipient shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes, rules, orders or requirements expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be used as a selection criterion in procurements

for architectural and engineering services provided that such use leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract or agreement.

f) Procurement By Competitive Bid. If this procurement method is used, the following requirements shall apply:

- 1) Requests for proposals will be publicized. All evaluation factors will be identified along with their relative importance.
- 2) The proposals shall be submitted by sealed bid.
- 3) Awards will be made to the responsible and qualified firm whose proposal is the lowest amount.

g) Procurement By Request for Proposal (RFP). If this procurement method is used, the following requirements shall apply:

- 1) Requests for proposals will be publicized. All evaluation factors will be identified along with their relative importance.
- 2) Proposals will be solicited from an adequate number of qualified sources.
- 3) Subrecipients will have a method in place for conducting technical evaluations of the proposals received and for selecting awardees.
- 4) Awards will be made to the responsible firm whose proposal is most advantageous to the Subrecipient's program with price and other factors considered.

Section 11. Records and Reports. The Subrecipient shall advise the HDOT regarding the progress of the Project at such times and in such manner as the HDOT and FTA may deem necessary, including but not limited to: The submission of interim, periodic, quarterly, and

annual reports; Holding of public and/or private meetings; And other documentation by request as deemed necessary by the HDOT to ensure compliance with FTA requirements.

The Subrecipient shall collect, maintain, and submit to the HDOT financial statements, data, records, contracts, agreements, project administration records, and other documents related to the Project as may be deemed necessary by the HDOT and/or FTA.

Section 12. Audit and Inspection. The Subrecipient shall permit the HDOT, the Comptroller General of the United States and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect Projects provided by FTA funds, and related vehicles, equipment, facilities, and operations of the Subrecipient, transportation services rendered by the Subrecipients, and all relevant Project data, information records, and other documents. The Subrecipient shall also permit the above-named parties to review the books, records, and accounts of the Subrecipient pertaining to the Project.

Section 13. Termination.

(a) For Convenience. The HDOT may terminate the Project and cancel this MOA should continuation of the Project not produce beneficial results.

(b) For Cause. The HDOT may, by giving a 30-day written notice to the Subrecipient, terminate the Project and cancel this MOA for any of the following reasons:

- (1) The Subrecipient discontinues the provision of transportation services as described in the approved Project;
- (2) The Subrecipient does not comply with applicable Federal, State, and local laws and requirements;

- (3) The Subrecipient takes any action pertaining to this MOA without the approval of the HDOT and which, under the procedures of this MOA, would have required the approval of the HDOT;
- (4) The commencement, prosecution, or timely completion of any Project by the Subrecipient that is, for any reason, rendered improbable, impossible, or illegal; or
- (5) The Subrecipient shall be in default under any provision of this MOA.

(c) Action Upon Termination. Upon termination of the Project and cancellation of this MOA, under the provisions of paragraphs (13)(a) or (13)(b) of this section, the Subrecipient agrees to dispose of the Project in accordance with FTA closeout procedures (attached at Exhibit "C" and incorporated by reference herein).

Section 14. Agreement Changes. Any amendments to this MOA shall be pursuant to written agreement by the HDOT and the Subrecipient.

Section 15. Interest of Members or Delegates to Congress. No member of, or delegate to, the Congress of the United States of America shall be admitted to any share or part of this MOA, or to any benefit arising therefrom.

Section 16. Prohibited Interest. No member, officer, or employee of the Subrecipient during his tenure, and for one year thereafter, shall have any monetary interest, direct or indirect, in this MOA or the proceeds thereof.

Section 17. Equal Employment Opportunity. In connection with the performance of this MOA, the Subrecipient shall not discriminate against any employee or applicant for employment on the basis of race, religion, color, sex, or national origin. Such actions shall include, but not be limited to the following: Employment, upgrading, demotion, transfer, recruitment or

advertisement; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Section 18. Title VI of the Civil Rights Act of 1964. The Subrecipient will comply with all requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, as amended), the regulations of the United States Department of Transportation issued thereunder (49 C.F.R. Part 21, as amended), and the HDOT Title VI assurance required pursuant to 49 C.F.R. Part 21.7, as amended.

Section 19. Disadvantaged Business Enterprise. Pursuant to 49 C.F.R. Part 26.21, as amended, and in connection with the performance of this MOA and for annualized projected expenditures of \$250,000 or more, the Subrecipient will cooperate with the HDOT in meeting the HDOT's commitments and goals with regard to the maximum utilization of disadvantaged business enterprises; and will use its best efforts to ensure that these business enterprises as certified shall have the maximum practicable opportunity to compete for subcontract work under this MOA.

Section 20. Americans with Disabilities Act of 1990. In connection with the performance of this MOA, the Subrecipient must comply with CFR Title 49 Parts 27, 37, and 38, as amended, implementing the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, which prohibits discrimination on the basis of disability as defined in the Americans with Disabilities Act (42 U.S.C. 12102).

Section 21. Drug and Alcohol Program. The Subrecipient and/or contractors of the Subrecipient that directly operate the transit operation or component parts of the transit operation that utilize the Project must have a drug and alcohol testing program for employees engaging in safety-sensitive functions, as defined at 49 C.F.R. §655.4. This required program stems from the

Omnibus Transportation Employee Testing Act of 1991. The Subrecipient shall submit to HDOT their drug and alcohol program, and their contractor's drug and alcohol program, if applicable.

Section 22. Financial Audit Report or Single Audit Report Requirements. In connection with the performance of this MOA, the Subrecipient shall submit to the HDOT within four (4) weeks of the end of the county fiscal year, two (2) copies of its Annual Single Audit Report in accordance with 2 C.F.R. Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards, as amended. In the event that the Annual Single Audit Report is not available within the four (4) week period, the Subrecipient may request from HDOT an extension period of up to three (3) months in order to provide the Annual Single Audit Report.

Section 23. Lobbying Requirements. The use of federal funds for lobbying is prohibited. The Subrecipient, its contractor(s), or its subcontractor(s) shall certify compliance with 49 CFR Part 20 regarding to new restrictions on lobbying for procurement solicitations equal to or exceeding \$100,000 before they can receive funds.

Section 24. Indemnification Agreement. To the extent permitted by law and as approved by the Maui County Council, the Subrecipient shall indemnify and hold harmless the State of Hawaii, the contracting agency, and their officers, employees, and agents from and against any and all liability, loss, damage, cost, expense, including all attorneys' fees, claims, suits, and demands arising out of or in connection with the acts or omissions of the Subrecipient or the Subrecipient's employees, officers, agents, or subcontractors under this Contract. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this Contract.

It is not the intention of the parties to this MOA to make the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party hereto to maintain a suit for personal injuries or property damage based on a contract theory of liability.

Section 25. Severability. In the event that any section or provision of this MOA is held illegal or unenforceable in a judicial proceeding, such section or provision shall be severed and rendered inoperative, and the remainder of this MOA shall remain operative and binding on all applicable signed parties to the MOA.

Section 26. Conflict of Laws. In the event of conflict between this MOA and any applicable Federal, State, or Local statutes, regulations, ordinances, or otherwise, the stricter requirements shall prevail.



IN WITNESS WHEREOF, the parties hereto have executed this MOA the day and year first above written.

APPROVED AS TO FORM AND LEGALITY:

STATE OF HAWAII

Andrew L. Salenger, Esq.

By Jade T. Butay  
JADE T. BUTAY

Deputy Attorney General

Director of Transportation

Date: Nov 4, 2021

Adobe Sign Transaction Number: CBJCHBCAABAAsfcvCre31tArDjOMSnQSRvWpo5ybZ v

APPROVED AS TO FORM AND LEGALITY:

MAUI METROPOLITAN PLANNING  
ORGANIZATION

Stephanie M. Chu

By Lauren Armstrong

Deputy Corporation Counsel

LAUREN ARMSTRONG  
Executive Director

Date: 8/2/21

STATE OF HAWAII

COUNTY OF MAUI

)  
) SS.  
)

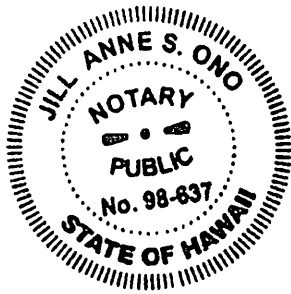
On this 2nd day of August, 2021 before me  
appeared Lauren Armstrong, to me known to be the person

described in and, who, being by me duly sworn, did say that he/she is the

Executive Director of Maui Metropolitan Planning Organization, the

person described in and who executed the foregoing instrument and acknowledges that

he/she executed said instrument as his/her free act and deed.



Jill Anne S. Ono  
(Signature)

JILL ANNE S. ONO

(Print Name)

Notary Public, State of Hawaii

My commission expires: 11/20/22

Doc. Description:

Memorandum of Agreement

Doc. Date: 8/2/21

No. Pages: 55

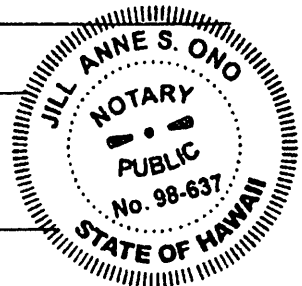
Jill Anne S. Ono

Notary Signature

JILL ANNE S. ONO

8/2/21

Date



DOT

FTA

U.S. Department of Transportation

Federal Transit Administration

## Award

<b>Federal Award Identification Number (FAIN)</b>	HI-2021-008-00
<b>Temporary Application Number</b>	1623-2021-7
<b>Award Name</b>	5305(d) - Oahu and Maui MPO 2018\$, 2019\$ & 2020\$
<b>Award Status</b>	Active (Executed)
<b>Award Budget Number</b>	0

<b>Period of Performance Start Date</b>	7/23/2021	
<b>Original Period of Performance End Date</b>	9/30/2023	
<b>Current Period of Performance End Date</b>	9/30/2023	Revision #: 0

## Part 1: Recipient Information

**Name: TRANSPORTATION, HAWAII DEPARTMENT OF**

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
1623	State Agency	HDOT Statewide Transportation Planning Office	824671465

Location Type	Address	City	State	Zip
Headquarters	415 S BERETANIA ST 5TH FL	HONOLULU	HI	968132407
Physical Address	869 PUNCHBOWL ST RM 509	HONOLULU	HI	96813

Mailing Address

869 PUNCHBOWLSTREET

HONOLULU

HI

96813

**Union Information**

<b>Union Name</b>	<b>AMERICAN FEDERATION OF STATE, COUNTY &amp; MUNICIPAL EMPLOYEES</b>
Address 1	c/o William Wilkinson
Address 2	1625 L. Street, NW
City	Washington
State	District of Columbia
Zipcode	20036
Contact Name	Lee Saunders
Telephone	2024291000
Fax	2024291293
E-mail	wwilkinson@afscme.org
Website	webmaster@afscme.org
<b>Union Name</b>	<b>HAWAII GOVERNMENT EMPLOYEES ASSOCIATION</b>
Address 1	888 Milliani Street, Suite 601
Address 2	
City	Honolulu
State	Hawaii
Zipcode	96813
Contact Name	Randy Perreira
Telephone	8085430011
Fax	8085284059
E-mail	rperreir@hgea.org
Website	www.hgea.org
<b>Union Name</b>	<b>UPW LOCAL 646</b>

Address 1	1426 North School Street
Address 2	
City	Honolulu
State	HI
Zipcode	96817
Contact Name	Liz Ho
Telephone	8088472631
Fax	8088481987
E-mail	lho@afscme.org
Website	www.upwhawaii.org

## Part 2: Award Information

### Title: 5305(d) - Oahu and Maui MPO 2018\$, 2019\$ & 2020\$

FAIN	Award Status	Award Type	Date Created	Last Updated Date	From TEAM?
HI-2021-008-00	Active (Executed)	Grant	5/24/2021	5/24/2021	No

#### Award Executive Summary

This grant is comprised of 49 USC 5305(d) funds to be used for the Oahu Metropolitan Planning Organization (OMPO) and Maui Metropolitan Planning Organization (MMPO) for their program administration, support and overhead.

MMPO is using FFY2018 and FFY 2019 apportionment funds to carry out its activities described in its approved Unified Planning Work Program (UPWP).

Total Project Costs (Federal): \$200,000

1. Program administration and support: Federal (18) \$55,007 / Federal (19) \$144,993 / Local \$50,000 / Total \$250,000

\* Local Match source: County of Maui MPO dues as levied and paid in accordance with HRS 279D.

OMPO is using FFY2019 and FFY 2020 apportionment funds to carry out its activities described in its approved Overall Work Program (OWP).

Total Cost for Project Costs (Federal): \$295,727

1. Program Administration and Support: Federal (19) \$26,116 / Federal (20) \$137,611 / Local \$40,932 / Total \$204,659

2. Overhead: Federal (20) \$132,000 / Local \$33,000 / Total \$165,000

\* Local Match source: Based on the Oahu MPO Finance Supplemental Agreement, the Hawaii DOT; Honolulu Authority for Rapid Transportation; and the City and County of Honolulu - Department of Transportation Services each pay \$125,000 (total of \$375,000) each fiscal

year for the purpose providing a local match.

**Frequency of Milestone Progress Reports (MPR)**

Annual

**Frequency of Federal Financial Reports (FFR)**

Annual

**Does this application include funds for research and/or development activities?**

This award does not include research and development activities.

**Pre-Award Authority**

This award is not using Pre-Award Authority.

**Does this application include suballocation funds?**

Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

**Will this Grant be using Lapsing Funds?**

Yes, this Grant will use Lapsing Funds.

**Will indirect costs be applied to this application?**

This award does not include an indirect cost rate.

*Indirect Rate Details: N/A*

**Requires E.O. 12372 Review**

No, this application does not require E.O. 12372 Review.

**Delinquent Federal Debt**

No, my organization does not have delinquent federal debt.

**Award Point of Contact Information**

First Name	Last Name	Title	E-mail Address	Phone
Tad	Nakayama	Programming Section Manager	tad.t.nakayama@hawaii.gov	808-831-7987
	ryan.fujii@dot.gov	General Engineer		

**Award Budget Control Totals**

Funding Source	Section of Statute	CFDA Number	Amount
Metropolitan Planning (5305d/5303)	5303	20505	\$495,727

Local	\$123,932
Local/In-Kind	\$0
State	\$0
State/In-Kind	\$0
Other Federal	\$0
Transportation Development Credit	\$0
Adjustment	\$0
<b>Total Eligible Cost</b>	<b>\$619,659</b>

### Award Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
HI-2021-008-01-00	442-00 (442-A1) METROPOLITAN PLANNING	\$200,000.00	\$50,000.00	\$250,000.00	1
HI-2021-008-01-00	44.21.00 PROGRAM SUPPORT ADMINISTRATION	\$200,000.00	\$50,000.00	\$250,000.00	1
HI-2021-008-02-00	442-00 (442-A2) METROPOLITAN PLANNING	\$295,727.00	\$73,932.00	\$369,659.00	1
HI-2021-008-02-00	44.21.00 PROGRAM SUPPORT ADMINISTRATION	\$295,727.00	\$73,932.00	\$369,659.00	1

### Discretionary Allocations

This application does not contain discretionary allocations.

### Sources of Federal Financial Assistance

PO Number	Project Number	Scope Name	Scope Number	Scope Suffix	UZA Code	Area Name	Account Class Code	FPC	Description	Amendment Amount	Cumulative Amount
HI-80-2006	HI-2021-008-01-00	METROPOLITAN PLANNING	442-00 (442)	A1	150000	Hawaii	2018.25.08.8F.2	02	Metropolitan Planning	\$55,007	\$55,007
HI-80-2006	HI-2021-008-01-00	METROPOLITAN PLANNING	442-00 (442)	A1	150000	Hawaii	2019.25.08.8F.2	02	Metropolitan Planning	\$144,993	\$144,993
HI-80-2006	HI-2021-008-02-00	METROPOLITAN PLANNING	442-00 (442)	A2	150000	Hawaii	2019.25.08.8F.2	02	Metropolitan Planning	\$26,116	\$26,116
HI-80-2006	HI-2021-008-02-00	METROPOLITAN PLANNING	442-00 (442)	A2	150000	Hawaii	2020.25.08.8F.2	02	Metropolitan Planning	\$269,611	\$269,611

## Part 3: Project Information

### Project Title: 5305(d) - Maui MPO 2018\$ & 2019\$

Project Number	Temporary Project Number	Date Created	Start Date	End Date
HI-2021-008-01-00	1623-2021-7-P1	5/24/2021	10/1/2021	6/30/2023

#### Project Description

MMPO is using FFY 2018 & FFY 2019 funds to carry out activities in its approved Unified Planning Work Program (UPWP). Funding will provide support for its Program Administration activities.

#### Project Benefits

MMPO funding will ensure continuous management and coordination of the metropolitan transportation planning process on the island of Maui, ensure all applicable Federal requirements are met, monitor Federal grants, support various aspects of the program and the continuous coordination of inter-agency planning activities.

#### Additional Information

*None provided.*

#### Location Description

Island of Maui

## Project Location (Urbanized Areas)

UZA Code	Area Name
150000	Hawaii



**Congressional District Information**

State	District	Representative
Hawaii	2	Kai Kahele

**Program Plan Information****STIP/TIP**

Date: N/A

Description: N/A

**UPWP**

Date: 5/29/2020

Description: Maui UPWP, Program Admin, page 3.

**Long Range Plan**

Date: N/A

Description: N/A

**Project Control Totals**

Funding Source	Section of Statute	CFDA Number	Amount
Metropolitan Planning (5305d/5303)	5303	20505	\$200,000
Local			\$50,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
<b>Total Eligible Cost</b>			<b>\$250,000</b>

## Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
HI-2021-008-01-00	442-00 (442-A1) METROPOLITAN PLANNING	\$200,000.00	\$50,000.00	\$250,000.00	1
HI-2021-008-01-00	44.21.00 PROGRAM SUPPORT ADMINISTRATION	\$200,000.00	\$50,000.00	\$250,000.00	1

## Project Budget Activity Line Items

### Budget Activity Line Item: 44.21.00 - PROGRAM SUPPORT ADMINISTRATION

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	METROPOLITAN PLANNING	1

### Extended Budget Description

This funding consists of : FFY 2018 - \$55,007/\$68,759 (FTA/Total) and FFY 2019 - \$144,993/\$181,241 (FTA/Total).

### Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
Metropolitan Planning (5305d/5303)	5303	20505	\$200,000
Local			\$50,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0

Transportation Development Credit	\$0
Adjustment	\$0
<b>Total Eligible Cost</b>	<b>\$250,000</b>

Milestone Name	Est. Completion Date	Description
Start Date	10/1/2021	
End Date	6/30/2023	

## Project Environmental Findings

### Finding: Class II(c) - Categorical Exclusions (C-List)

#### Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

#### Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	1	\$200,000.00	\$250,000.00

<b>Project Title: 5305(d) - Oahu MPO 2019\$ &amp; 2020\$</b>
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Project Number	Temporary Project Number	Date Created	Start Date	End Date
HI-2021-008-02-00	1623-2021-7-P2	6/2/2021	7/1/2021	6/30/2022

**Project Description**

OMPO is using FFY2019 and FFY2020 funds to carry out activities in its Overall Work Program (OWP). Funding will provide support for its Program Support Administration and Administration activities.

**Project Benefits**

OMPO funding will ensure continuous management and coordination of the metropolitan transportation planning process on the island of Oahu, ensure all applicable Federal requirements are met, monitor Federal grants, support various aspects of the program and the continuous coordination of inter-agency planning activities.

**Additional Information**

*None provided.*

**Location Description**

Island of Oahu

**Project Location (Urbanized Areas)**

UZA Code	Area Name
150550	Urban Honolulu, HI
153480	Kailua (Honolulu County)—Kaneohe, HI

**Congressional District Information**

State	District	Representative
Hawaii	1	Ed Case

**Program Plan Information****STIP/TIP**

Date: N/A

Description: N/A

**UPWP**

Date: 5/25/2021

Description: Oahu MPO FY 2022 OWP approved May 25, 2021.

**Long Range Plan**

Date: N/A

Description: N/A

**Project Control Totals**

<b>Funding Source</b>	<b>Section of Statute</b>	<b>CFDA Number</b>	<b>Amount</b>
Metropolitan Planning (5305d/5303)	5303	20505	\$295,727
Local			\$73,932
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
<b>Total Eligible Cost</b>			<b>\$369,659</b>

**Project Budget**

<b>Project Number</b>	<b>Budget Item</b>	<b>FTA Amount</b>	<b>Non-FTA Amount</b>	<b>Total Eligible Amount</b>	<b>Quantity</b>
HI-2021-008-02-00	442-00 (442-A2) METROPOLITAN PLANNING	\$295,727.00	\$73,932.00	\$369,659.00	1
HI-2021-008-02-00	44.21.00 PROGRAM SUPPORT ADMINISTRATION	\$295,727.00	\$73,932.00	\$369,659.00	1

## Project Budget Activity Line Items

<b>Budget Activity Line Item: 44.21.00 - PROGRAM SUPPORT ADMINISTRATION</b>
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Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	METROPOLITAN PLANNING	1

### Extended Budget Description

This funding consists of: FFY 2019 - \$26,116/\$32,645 (FTA/Total) and FFY 2020 - \$269,611/\$337,014 (FTA/Total).

### Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
Metropolitan Planning (5305d/5303)	5303	20505	\$295,727
Local			\$73,932
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
<b>Total Eligible Cost</b>			<b>\$369,659</b>

Milestone Name	Est. Completion Date	Description
Start Date	7/1/2021	
End Date	6/30/2022	

## Project Environmental Findings

**Finding: Class II(c) - Categorical Exclusions (C-List)****Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

**Categorical Exclusion Description**

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	1	\$295,727.00	\$369,659.00

**Part 4: Fleet Details**

No fleet data exists for this application.

**Part 5: FTA Review Comments****Application Review Comments**

Comment By	Ryan Fujii
Comment Type	Pre-Award Manager Returns Application
Date	6/2/2021
Comment	returning at grantee request

<b>Comment By</b>	<b>Ryan Fujii</b>
<b>Comment Type</b>	Pre-Award Manager Returns Application
<b>Date</b>	6/10/2021
<b>Comment</b>	<ol style="list-style-type: none"> <li>1. Besides breaking out the projects by sub recipient, they should also be broken out by funding year</li> <li>2. OahuMPO notes in their OWP that program Admin includes indirect cost, you may want to verify this as indirect cost is not checked on the application</li> <li>3. Upload the TIP/STIP for each project</li> <li>4. According to the description of what each agency classifies as program admin, it appears that there are other ALI that should also be included.</li> <li>5. If you would like the funds taking out of the specific years as described for the specific sub recipient, please upload a split letter. This letter explains the split of funds and who will be receiving them for each year of apportionments</li> </ol>
<b>Comment By</b>	<b>Ryan Fujii</b>
<b>Comment Type</b>	Pre-Award Manager Returns Application
<b>Date</b>	6/30/2021
<b>Comment</b>	FY 2019 funds exceed available balance. Adjust executive summary and project description to reallocate funding. It appears that there is sufficient funding in FY 2020

### Application Review Comments

<b>Comment By</b>	<b>Tad Nakayama</b>
<b>Comment Type</b>	Application Details
<b>Date</b>	6/22/2021
<b>Comment</b>	<p>Responses to comments as follows:</p> <ol style="list-style-type: none"> <li>1. Besides breaking out the projects by sub recipient, they should also be broken out by funding year Not applicable. This was removed by R. Fujii per email on 6/11/21.</li> <li>2. OahuMPO notes in their OWP that program Admin includes indirect cost, you may want to verify this as indirect cost is not checked on the application No indirect costs. OWP has been revised.</li> <li>3. Upload the TIP/STIP for each project</li> </ol>



Not required. See email dated 6/22/21.

4. According to the description of what each agency classifies as program admin, it appears that there are other ALI that should also be included.

This was explained further by R. Fujii per email dated 6/10/21. OMPO is not using FTA funds for Subrecipient Monitoring & Support work element. This is reflected in the financial table on page 16 of the OWP. MMPO's submittal for only Program Administration is correct, as it aligns with the federally approved UPWP which allocates all MPO staff costs to Program Administration. Amounts budgeted for other work elements such as LRTP and Planning Studies will be charged to FHWA. This was discussed with FTA (R. Fujii) and he was agreeable.

5. If you would like the funds taking out of the specific years as described for the specific sub recipient, please upload a split letter. This letter explains the split of funds and who will be receiving them for each year of apportionments  
Not required. See email dated 6/22/21.

<b>Comment By</b>	<b>Tad Nakayama</b>
<b>Comment Type</b>	Application Details
<b>Date</b>	7/6/2021
<b>Comment</b>	7/6/21 - In response to FTA comments dated June 30, 2021, corrected FFY 2019 apportionment distribution information for OMPO. MMPO was not effected.

## Part 6: Agreement

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT  
(FTA G-28, February 9, 2021)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(28), February 9, 2021, <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

#### **FTA AWARD**

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

##### **Recipient Information**

Recipient Name: TRANSPORTATION, HAWAII DEPARTMENT OF

Recipient ID: 1623

DUNS No: 824671465

##### **Award Information**

Federal Award Identification Number: HI-2021-008-00

Award Name: 5305(d) - Oahu and Maui MPO 2018\$, 2019\$ & 2020\$

Award Start Date: 7/23/2021

Original Award End Date: 9/30/2023

Current Award End Date: 9/30/2023

Award Executive Summary: This grant is comprised of 49 USC 5305(d) funds to be used for the Oahu Metropolitan Planning Organization (OMPO) and Maui Metropolitan Planning Organization (MMPO) for their program administration, support and overhead.

MMPO is using FFY2018 and FFY 2019 apportionment funds to carry out its activities described in its approved Unified Planning Work Program (UPWP).

Total Project Costs (Federal): \$200,000

1. Program administration and support: Federal (18) \$55,007 / Federal (19) \$144,993 / Local \$50,000 / Total \$250,000

\* Local Match source: County of Maui MPO dues as levied and paid in accordance with HRS 279D.

OMPO is using FFY2019 and FFY 2020 apportionment funds to carry out its activities described in its approved Overall Work Program (OWP).

Total Cost for Project Costs (Federal): \$295,727

1. Program Administration and Support: Federal (19) \$26,116 / Federal (20) \$137,611 / Local \$40,932 / Total \$204,659

2. Overhead: Federal (20) \$132,000 / Local \$33,000 / Total \$165,000

\* Local Match source: Based on the Oahu MPO Finance Supplemental Agreement, the Hawaii DOT; Honolulu Authority for Rapid Transportation; and the City and County of Honolulu - Department of Transportation Services each pay \$125,000 (total of \$375,000) each fiscal year for the purpose providing a local match.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

Pre-Award Authority: This award is not using Pre-Award Authority.

#### **Award Budget**

Total Award Budget: \$619,659.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$495,727.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$123,932.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$495,727.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$123,932.00

#### **Award Budget Control Totals**

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

<b>Funding Source</b>	<b>Section of Statute</b>	<b>CFDA Number</b>	<b>Amount</b>
Metropolitan Planning (5305d/5303)	5303	20505	\$495,727
Local			\$123,932
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
<b>Total Eligible Cost</b>			<b>\$619,659</b>

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

**U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:**

Original Certification Date:

**Special Conditions**

There are no special conditions.

**FINDINGS AND DETERMINATIONS**

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

**FTA AWARD OF THE GRANT AGREEMENT**

Awarded By:  
Ted Matley

Supervisory Transportation Program Specialist  
FEDERAL TRANSIT ADMINISTRATION  
U.S. DEPARTMENT OF TRANSPORTATION  
Contact Info: ted.matley@dot.gov  
Award Date: 7/23/2021

#### **EXECUTION OF THE GRANT AGREEMENT**

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
  - (a) Statements,
  - (b) Representations,
  - (c) Warranties,
  - (d) Covenants, and
  - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:  
*Tad Nakayama*  
*Programming Section Manager*  
TRANSPORTATION, HAWAII DEPARTMENT OF  
7/23/2021

*Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.*

*Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

## **CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.**

*All applicants must make the certifications in this category.*

### **1.1. Standard Assurances.**

*The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances--Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
  - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681 1683, and 1685 1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
  - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
  - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
  - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 6107), which prohibits discrimination on the basis of age;
  - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91 616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
  - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
  - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
  - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - (2) Notification of violating facilities pursuant to EO 11738;
  - (3) Protection of wetlands pursuant to EO 11990;
  - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
  - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
  - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
  - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded



- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
  - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
  - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
  - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
    - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
    - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
    - (3) Using forced labor in the performance of the award or subawards under the award.

**1.2. Standard Assurances: Additional Assurances for Construction Projects.**

*This certification appears on the Office of Management and Budget's standard form 424D "Assurances Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

### 1.3. Procurement.

*The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.*

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, particularly 2 CFR §§ 200.317-200.326 "Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

### 1.4. Suspension and Debarment.

*Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant's exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant's principals prior to entering into an award agreement with FTA. This certification serves both purposes.*

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

**1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.**

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116 260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

**CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS**

*This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA's state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 CFR § 673.13.*

*This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.*

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider's Accountable Executive

(as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

### **CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.**

*If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744 -745. U.S. DOT Order 4200.6 defines a "corporation" as "any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association", and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.*

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

### **CATEGORY 4. LOBBYING.**

*If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.*

*This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.*

#### **4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or

- an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **4.2. Statement for Loan Guarantees and Loan Insurance.**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **CATEGORY 5. PRIVATE SECTOR PROTECTIONS.**

*If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.*

### 5.1. Charter Service Agreement.

*To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.*

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

### 5.2. School Bus Agreement.

*To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.*

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
  - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
  - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
  - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
  - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
  - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
  - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other

use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

#### **CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.**

*If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).*

The applicant certifies that it is in compliance with 49 CFR Part 625.

#### **CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.**

##### **7.1. Rolling Stock Buy America Reviews.**

*If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

##### **7.2. Bus Testing.**

*If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.*

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

#### **CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.**

*If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act ("TIFIA") (23 U.S.C. §§ 601-609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for*

*Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any --
  - (1) Senior;
  - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
  - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either-
  - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least



- 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
- (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

#### **CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.**

*If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).*

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service
  - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
  - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that
  - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
  - (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE  
EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS  
PILOT PROGRAM.**

*If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO  
EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

*If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

*If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

*If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).*

*Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.*

**CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.**

*If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.*

*In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).*

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

**CATEGORY 13. STATE OF GOOD REPAIR GRANTS.**

*If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).*

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent

transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

#### **CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.**

*If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601 -609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).*

*Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.*

#### **CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

*If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.*

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

#### **CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.**

*If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 659.43, 672.31, and 674.39.*

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

**CATEGORY 17. DEMAND RESPONSIVE SERVICE.**

*If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.*

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

**CATEGORY 18. INTEREST AND FINANCING COSTS.**

*If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).*

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

**CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.**

*If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).*

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

**CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.**

*If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.*

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

**CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).**

*Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.*

*Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.*

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
  - (1) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, for Awards made on or after December 26, 2014,
  - (2) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
  - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
  - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
  - (2) Category 06 (Transit Asset Management Plan),
  - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
  - (4) Category 09 (Formula Grants for Rural Areas),
  - (5) Category 15 (Alcohol and Controlled Substances Testing), and
  - (6) Category 17 (Demand Responsive Service).

**FEDERAL FISCAL YEAR 2021 CERTIFICATIONS AND ASSURANCES FOR FTA  
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Maui Metropolitan Planning Organization

The Applicant certifies to the applicable provisions of categories 01-21. \_\_\_\_\_

*Or,*

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	<u>✓</u>
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	<u>✓</u>
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____



Certifications and Assurances

EXHIBIT "B"  
Fiscal Year 2021

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Construction Hiring Preferences
- 20 Cybersecurity Certification for Rail Rolling Stock and Operations
- 21 Tribal Transit Programs

**FEDERAL FISCAL YEAR 2021 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE**

**PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2021)

**AFFIRMATION OF APPLICANT**

Name of the Applicant: Maui Metropolitan Planning Organization

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2021, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2021.

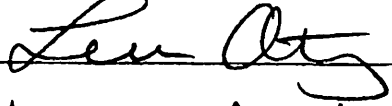
The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to

Certifications and Assurances

EXHIBIT "B"  
Fiscal Year 2021

FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate

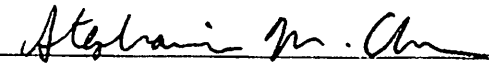
Signature  Date: 7/30/21  
Name Lauren Armstrong Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Maui Metropolitan Planning Organization

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature  Date: 10/12/21  
Name Stephanie M. Chen Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*

State of Hawaii  
Department of Transportation  
Statewide Transportation Planning Office

**Federal Transit Administration  
Grant Closeout Procedures**

When all projects identified in the grant have been completed, and there are no project amendments, the grant is a candidate for closure. The HDOT STP Office shall complete the following procedures to close FTA grants:

1. HDOT shall contact the sub-recipient to verify that all projects are completed and there are no project amendments.
2. Sub-recipients shall submit a completed Progress and Expenditure Report identifying that all project work has been accomplished and expenditures have been completed. Also, milestone dates in the report must be the actual dates of completion.
3. HDOT shall verify the scope of work and completion dates for each project identified in the submitted Progress and Expenditure Report. HDOT may require additional information from the sub-recipient for verification of completed work and completion date. HDOT shall then check the grant with the report for consistency, and if required revise the grant accordingly.
4. HDOT shall verify that the project expenditures are correct and check for any undisbursed project amounts. The STP Office shall confirm with the HDOT Financial Office on all project expenditure amounts and any undisbursed amounts before proceeding to the grant closeout process.
5. After the completion of process #2 and #3, the STP Office shall notify the FTA Region IX Office on HDOT's intent to close a grant and request for any advisory information on grant closure.
6. The STP Office shall finalize the Milestone/Progress Report in FTA TRAMS for all projects identified in the grant, and the Financial Office shall finalize the Financial Status Report for the grant.
7. The STP Office shall follow the FTA TRAMS-Web User Guide – Project Management Closure procedures for closing the grant.
8. The STP Office shall keep on file the closed grant and related grant and project documents for three years after the grant has been closed.

HDOT's policy on grant closeout efforts are to closeout the grant with FTA in a reasonable timeframe after all costs are incurred and all work activities for the projects in the grant are completed.



U.S. Department  
of Transportation

**Federal Transit Administration  
Federal Highway Administration**

FTA – Region IX  
90 7th Street, Suite 15-300  
San Francisco CA 94103-6701

FHWA - Hawaii Division  
300 Ala Moana Blvd #3306  
Honolulu, HI 96850-3306

July 10, 2020

In Reply Refer To: HAD-HI

Lauren Armstrong  
Maui Metropolitan Planning Organization  
200 South High Street  
Wailuku, HI 96793

**Subject: Maui Metropolitan Planning Organization Fiscal Years 2021 & 2022 Unified Planning Work  
Program Approval**

Dear Ms. Armstrong:

Thank you for the opportunity to review and comment on the Fiscal Years (FY) 2021 & 2022 Unified Planning Work Program (UPWP) for the Maui Metropolitan Planning Organization (Maui MPO).

The Federal Transit Administration (FTA) Region IX office and the Federal Highway Administration (FHWA) Hawaii Division have reviewed the FY 2021 & 2022 UPWP. Based on this review, we have determined that the document satisfies the requirements of 23 United States Code (U.S.C.) §134, 49 U.S.C. §5303, 23 Code of Federal Regulations (CFR) Parts 420 and 450, and 2 CFR Part 200. Accordingly, we approve Maui MPO's FYs 2021 & 2022 UPWP.

Funding for the FY2021 portion of the UPWP will be obligated upon approval of a project agreement. In order to accurately obligate the FY2022 portion of the UPWP, Maui MPO should submit updated financial information, and the project agreement will be amended.

In the coming year, we will work closely with Maui MPO, OahuMPO, and the Hawaii Department of Transportation to ensure consistent, transparent, compliant programming and obligation of state and metropolitan planning funds. If you have questions or would like additional information about our approval for Maui MPO's UPWP, feel free to contact Ted Matley of the FTA Region IX office at (415) 734-9468, or via email at [Ted.Matley@dot.gov](mailto:Ted.Matley@dot.gov); or Amy Ford-Wagner of the FHWA Hawaii Division office at (808) 541-2325, or via email at [amy.ford-wagner@dot.gov](mailto:amy.ford-wagner@dot.gov).

Sincerely,

Ray Tellis  
Regional Administrator  
Federal Transit Administration

Ralph Rizzo  
Division Administrator  
Federal Highway Administration Hawai'i

cc: Ms. Yuki Lei Sugimura, Chair, Maui MPO Policy Board

# Unified Planning Work Program (UPWP)

## FY 2021 & 2022

(July 1, 2020 – June 30, 2022)

May 29, 2020



**Maui Metropolitan  
Planning Organization**

Prepared in Cooperation with:

County of Maui Department of Planning  
County of Maui Department of Public Works  
County of Maui Department of Transportation  
State of Hawai'i Department of Transportation  
USDOT Federal Highway Administration  
USDOT Federal Transit Administration

Funding for this document was provided by the U.S. Department of Transportation (Federal Highway Administration and Federal Transit Administration), State of Hawai'i, and County of Maui.

**Equal Employment Opportunity Employer** - The Maui Metropolitan Planning Organization does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, and activities or in its hiring or employment practices. ADA and Title VI inquiries should be forwarded to: Lauren Armstrong, Maui Metropolitan Planning Organization, 200 South High Street, Wailuku, HI 96793, Phone (808) 270-8216.

# **Maui MPO Unified Planning Work Program (UPWP)**

## **FY 2021 & 2022**

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## I. Introduction

Federal regulations require that a metropolitan planning organization (MPO) be formed for all urbanized areas with a population of 50,000 or more. The 2010 U.S. Census found the geographic area encompassing Kahului, Wailuku, and Pā‘ia to have a population exceeding 50,000, thus constituting an urbanized area. Maui Metropolitan Planning Organization (Maui MPO) was designated for the island of Maui in 2013 and formed in 2016 to ensure that federal investment in transportation projects is based on a comprehensive, cooperative, and continuing (3-C) planning process.

Maui MPO Unified Planning Work Program (UPWP) for County Fiscal Year (FY) 2020 serves as the budget for Maui MPO transportation planning activities. Once approved by the Maui MPO Policy Board and the U.S. Department of Transportation Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the UPWP enables Maui MPO to encumber federal planning funds provided under 23 U.S.C. and 49 U.S.C 53. Additionally, UPWP work elements carried out by Maui MPO, including the Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP) enable Maui to receive federal transportation funds for bus transit, highways, bicycle and pedestrian facilities.

## II. Sources of Funds

As set forth in HRS 279-D and the Maui MPO Finance Supplemental Agreement, 80% of Maui MPO’s funding comes from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), matched by annual dues of 10% from State of Hawai‘i and 10% from County of Maui. Maui MPO receives notification of anticipated federal funding levels on an annual basis. State of Hawai‘i Department of Transportation (HDOT) is the pass-through agency for federal planning funds.

- **49 USC 5303/5305(d) FTA Planning Funds** are used for transportation planning purposes and often involve transit projects.
- **23 USC 104(f) FHWA Planning Funds (PL)** are used for planning to address intermodal and transportation planning issues.
- **Matching funds.** The State and County must provide local matching funds for federally-assisted planning activities per the Maui MPO Finance Supplemental Agreement. Maui MPO requests annual dues through HDOT and County of Maui Department of Transportation (MDOT).

The Hawaii’s Planning Funds Distribution Formula to the MPO’s Agreement identifies a sub-allocation formula to split the available Federal planning funds between the MPOs in Hawai‘i.

## III. Maui MPO Structure and Staff

Maui MPO functions under a committee structure comprised of a Policy Board, a Technical Advisory Committee (TAC) and Maui MPO staff. The Policy Board consists of representatives from the Maui County Council, a State of Hawai‘i Senator and Representative, the Directors of the Maui County Transportation Department (MDOT), Planning Department, Public Works Department, and the Director of the State of Hawaii Department of Transportation. Maui MPO TAC is comprised of technical representatives designated by the Policy Board.

Maui MPO staff includes two positions: Executive Director and Financial Specialist. Staff administer Maui MPO plans and programs. Brief descriptions of job responsibilities and pay ranges are as follows:

- **Executive Director (\$80,000-\$124,000):** Conducts the multimodal 3-C (cooperative, continuing, and comprehensive) planning process; engages the public in regional transportation planning; represents Maui MPO in meetings with agencies and the public; hires and manages Maui MPO staff for positions authorized by the Policy Board; provides fiscal management; serves as the point of contact for FHWA and FTA for the purpose of maintaining Maui MPO compliance with 23 USC 134 and 49 USC 5303; develops recommendations regarding transportation policy; and provides project direction and oversight for activities within the purview of the Maui MPO.
- **Financial Specialist (\$50,000 - \$80,000):** Performs procurement and accounting activities for the Maui MPO; provides administrative assistance and accounting support to the Maui MPO Executive Director; prepares, implements, and maintains internal fiscal policies and procedures; manages FTA and FHWA grants; provides fiscal oversight on Maui MPO contracts; manages annual compliance and financial audit activities; arranges for and prepares minutes for committee meetings and workshops; and serves as office manager.

#### IV. UPWP Development Process

The UPWP development process follows procedures established in the *Maui MPO Public Participation Plan*, summarized as follows: Maui MPO staff prepare a draft UPWP for review by federal advisors. Maui MPO Technical Advisory Committee provides input on planning studies. Maui MPO staff release a draft UPWP as part of public meeting materials for a Maui MPO Policy Board meeting. The Policy Board approves a draft UPWP to be circulated for public review and comment. Maui MPO staff publish a public notice at minimum seven-days prior to the meeting at which the UPWP will be considered for final approval by the Maui MPO Policy Board.

#### V. Status of Maui MPO Planning Documents

The following table lists the most recent status (as of May 2020) of the Maui MPO planning documents:

*Table 1. Status of Maui MPO Planning Documents*

<b>MPO Planning Document</b>	<b>Action/Date</b>
<u>Maui MPO Title VI Plan</u>	Adopted May 2020
<u>Hele Mai Maui 2040 Long Range Transportation Plan (LRTP)</u>	Adopted December 2019
<u>2019-2022 Maui Transportation Improvement Program (TIP)</u>	Adopted June 2018
<u>Maui MPO Public Participation Plan</u>	Adopted May 2017

#### VI. Summary of Programmed Expenditures

Maui MPO UPWP FY 2021 & 2022 programs \$500,000 per year to conduct transportation planning on the island of Maui. Maui MPO maintains compliance with federal regulations and ensure the continued availability of federal transportation funds for Maui. Cost categories follow federal standard budget



information for non-construction programs. Work elements include *Program Administration*, *Long Range Transportation Plan (LRTP)*, *Transportation Improvement Program (TIP)*, and *Planning Studies*. Details for each work element are provided in the following section. Table 1 and Table 2 summarize Expenditures Programmed for FY2021 & 2022, by federal Cost Category and UPWP Work Element, respectively.

Table 2. Summary of Expenditures Programmed by Cost Category

<b>Cost Category</b>	<b>FY2021</b>		<b>FY2022</b>	
Staff Costs	\$	276,380	\$	279,531
Travel	\$	13,750	\$	13,750
Utility	\$	2,200	\$	2,200
Materials and Supplies	\$	1,300	\$	1,300
Consultant Contracts	\$	172,640	\$	171,594
Rent	\$	13,830	\$	14,225
Other*	\$	19,900	\$	17,400
<b>TOTAL</b>	<b>\$</b>	<b>500,000</b>	<b>\$</b>	<b>500,000</b>

Table 3. Summary of Expenditures Programmed by Work Element

<b>Work Element</b>	<b>Match*</b>		<b>Federal Funds**</b>	
	<b>FY2021</b>	<b>FY2022</b>	<b>FY2021</b>	<b>FY2022</b>
1. Program Administration	\$ 74,472	\$ 65,681	\$ 297,888	\$ 262,725
2. Long Range Transportation Plan	\$ 5,000	\$ 34,319	\$ 20,000	\$ 137,275
3. Transportation Improvement Program	\$ -	\$ -	\$ -	\$ -
4. Planning Studies	\$ 20,528	\$ -	\$ 82,112	\$ -
	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 400,000</b>	<b>\$ 400,000</b>

\* Federal Funds 80% of costs with the State and County each funding 10% of costs.

\*\* Federal Funds are from FTA and FHWA.

NOTE: Maui MPO staff salaries and benefits for each Work Element have been budgeted in full for the period July 1, 2020 to June 30, 2022 with partial amount to be expended during the gap period between the County fiscal year end and the date of the drawdown of previous Federal fiscal year funds.

## VII. FY 2021 & 2022 Work Elements

### 1. Program Administration

**Objectives:** Administer federal grants for regional transportation planning on Maui and manage a comprehensive, cooperative and continuing (3-C) planning process. Maintain Maui's eligibility to receive federal transportation funds for highways, buses, bicycle and pedestrian infrastructure.

**Deliverables:** Prepare and update required Maui MPO plans and programs as needed: *Unified Planning Work Program (UPWP)*, *Public Participation Plan (PPP)*, *Transportation Improvement Program (TIP)*, *Long Range Transportation Plan (LRTP)* and *Title VI Plan*. Administer transportation planning studies.

**Previous or ongoing work:** Maui MPO began operating in 2016 and has prepared all required plans and programs to comply with performance-based planning.

**Program Administration Tasks:**

Administer 3-C Planning Process

- Administer MPO funds to support Policy Board, Technical Advisory Committee and MPO office.
- Conduct public outreach and represent Maui MPO at public meetings and events.
- Comply with federal, state and county requirements and prepare reimbursement requests.
- Attend conferences, workshops and trainings related to metropolitan planning.
- Review, modify or add Maui MPO administrative procedures and agreements as needed.
- Provide status reports to Policy Board, County Council and State Legislature.

Maintain MPO Planning Documents

- Maintain and implement Maui MPO *Public Participation Plan (PPP)* and *Title VI Plan*.
- Prepare and implement *Unified Planning Work Program (UPWP)*.
- Coordinate data collection and track progress on programs, projects and performance measures identified in *Hele Mai Maui 2040* Long Range Transportation Plan.
- Develop the FFY 2022-2025 *Maui Transportation Improvement Program (TIP)*.
- Manage periodic revisions to the Maui TIP, and coordinate with State to include in STIP.
- Prepare scopes of work and procure consultants to work on planning studies.
- Administer contracts including payments and oversight of contract compliance.

Table 4. Program Administration Budget

Budget Item	Description	FY2021	FY2022
Staff Costs	Regular wages and fringe for Executive Director and Financial Specialist	\$ 276,380	\$ 279,531
Travel	Includes 3 mainland trips and 8 inter-island meetings per year	\$ 13,750	\$ 13,750
Utility	Includes cell phone, internet and electricity	\$ 2,200	\$ 2,200
Materials and Supplies	Office supplies	\$ 1,300	\$ 1,300
Rent	2145 Wells St. Suite 102A	\$ 13,830	\$ 14,225
Other	Includes printing, subscriptions, web hosting/services, conference fees, photocopier, social media & web redesign (FY 21 \$45,000)	\$ 19,900	\$ 17,400
Consultant	Social media and web redesign	\$ 45,000	\$ -
<b>TOTAL</b>		<b>\$ 372,360</b>	<b>\$ 328,406</b>

## 2. Long Range Transportation Plan (LRTP)

**Objectives:** Conduct public outreach to support implementation of *Hele Mai Maui 2040 Long Range Transportation Plan*, track progress on performance measures, and ensure consistency between the LRTP and Transportation Improvement Program (TIP) using performance-based planning and programming.

**Deliverables:** Increase number of Maui residents and visitors aware of *Hele Mai Maui 2040*. Support selected near-term programs identified in *Hele Mai Maui 2040*. Support County and State transportation projects, including Complete Streets projects and bus system improvements.

**Previous or ongoing work:** In December 2019 the Maui MPO adopted *Hele Mai Maui 2040* as the Long Range Transportation Plan for Maui. In 2020 Maui MPO will work with a consultant on LRTP outreach.

### Long Range Transportation Plan Tasks:

- Reserve funds in FY 2021 & 2022 for consultant contract to begin in FY2023 to update Long Range Transportation Plan.

Table 5. Long Range Transportation Plan Budget

Budget Item	Description	FY2021	FY2022
Consultants	Save funds for LRTP update beginning FY2023	\$ 25,000	\$ 171,594
TOTAL		\$ 25,000	\$ 171,594

## 3. Transportation Improvement Program (TIP)

**Objectives:** Manage revisions to the Maui TIP and comply with applicable Federal requirements. Coordinate with implementing agencies HDOT and DPW. Ensure consistency between the TIP and LRTP using performance-based planning and programming.

**Deliverables:** Adopt FFY2022-2025 Maui TIP by 2021 using performance-based planning with public participation. Complete two annual revisions to the Maui TIP, and prepare Annual Listing of Obligated Projects. Ensure that Maui's federal-aid transportation projects receive funding. Update *Maui MPO TIP Policies and Procedures* as needed.

**Previous or ongoing work:** Maui MPO adopted the FFY 2019-2022 Maui TIP in June 2018, and adopted Revisions #1-6 in 2019-2020.

### Transportation Improvement Program Tasks:

- Maui MPO staff costs to maintain and update the TIP is listed under Program Administration.

## 4. Planning Studies

**Objectives:** Planning studies will address multimodal transportation goals and performance measures developed with public input through the *Hele Mai Maui 2040* update. Potential topics include road data analysis, safety data analysis, bicycle and pedestrian planning, and travel demand forecasting. Maui MPO will prepare scopes of work for transportation planning studies, for review by funding agencies prior to procurement.

**Deliverables:** Completed transportation planning studies with implementation actions.

**Previous or ongoing work:** Maui MPO TAC, Policy Board and members of the public provide input on Maui MPO planning study topics. A portion of previous Planning Study funds were used for the *Vision Zero Action Plan*.

**Planning Studies Tasks:**

- Consultants to perform scope of work under direction of MPO Executive Director.

*Table 6. Planning Studies Budget*

Budget Item	Description	FY2021	FY2022
Consultants	Planning studies to support L RTP recommendations	\$ 102,640	\$ -
<b>TOTAL</b>		<b>\$ 102,640</b>	<b>\$ -</b>

**For additional information, please contact us:**

Maui Metropolitan Planning Organization

200 South High Street

Wailuku, HI 96793

[www.mauimpo.org](http://www.mauimpo.org)

(808) 270-8216

**May 29, 2020**

**Maui MPO Policy Board Members**

Yuki Lei Sugimura, Chair, Maui County Council

Marc Takamori, Vice Chair, County of Maui Department of Transportation

Michele McLean, Member, County of Maui Department of Planning

Rowena Dagdag-Andaya, Member, County of Maui Department of Public Works

Jade Butay, Member, State of Hawai'i Department of Transportation

Tamara Paltin, Member, Maui County Council

Shane Sinenci, Member, Maui County Council

Senator Rosalyn Baker, Member, Hawai'i State Senate

Representative Troy Hashimoto, Member, Hawai'i State House of Representatives

**Maui MPO Technical Advisory Committee Members**

Michael DuPont, Chair, County of Maui Department of Transportation

Robin Shishido, Vice Chair, State of Hawai'i Department of Transportation

Pam Eaton, Chair, County of Maui Department of Planning

Nolly Yagin, County of Maui Department of Public Works

Kathleen Aoki, County of Maui Department of Planning

Ken Tatsuguchi, State of Hawai'i Department of Transportation

John Smith, County of Maui Department of Public Works

Chico Rabara, County of Maui Department of Public Works

Phillip Anderson, County of Maui Department of Housing and Human Concerns

David Yamashita, County of Maui Department of Parks and Recreation

**Maui MPO Staff**

Lauren Armstrong, Executive Director

Karen Tamaki, Financial Specialist

## ***Appendix A: Public and Intergovernmental Review***

Notice of the opportunity for public review of the *Maui MPO UPWP* is provided following procedures outlined in the Maui MPO Public Participation Plan, including posting on the Maui MPO website, sending by email to newsletter and stakeholder lists, and by notice in the Maui News prior to final approval. The following list of agencies and stakeholders receive email notices of opportunities to review Maui MPO planning documents.

### United States of America

U.S. Army Corps of Engineers  
U.S. Department of Energy  
U.S. Department of Homeland Security  
U.S. Department of Housing and Urban Development  
U.S. Department of the Interior  
U.S. Department of Transportation  
U.S. Environmental Protection Agency

### State of Hawai'i

Hawai'i Department of Accounting and General Services  
Hawai'i Department of Agriculture  
Hawai'i Department of Budget and Finance  
Hawai'i Department of Business, Economic Development, and Tourism  
Hawai'i Department of Defense  
Hawai'i Department of Education  
Hawai'i Department of Hawaiian Home Lands  
Hawai'i Department of Health  
Hawai'i Department of Human Services  
Hawai'i Department of Labor and Industrial Relations  
Hawai'i Department of Land and Natural Resources  
Hawai'i Department of Transportation  
Hawai'i Office of Planning

### County of Maui

Office of the Mayor  
Department of Finance  
Department of Housing and Human Concerns  
Department of Parks and Recreation  
Department of Planning  
Department of Public Works  
Department of Transportation  
Maui Police Department

### Stakeholders

Aha Moku o Maui  
Alexander & Baldwin

Alliance of Maui Community Associations  
 American Planning Association, Hawaii Chapter (APAHI)  
 American Society of Landscape Architects (ASLA) - Hawaii Chapter  
 Friends of the Children's Justice Center  
 Goodfellow Bros  
 Hawai'i Association of the Blind  
 Hawai'i Executive Transportation  
 Hawai'i Teamsters Local 996  
 Hawai'i Bicycling League  
 Hawaiian Islands Land Trust  
 Hawai'i Transportation Association  
 Hawaiian Electric Company, Inc. (HECO)  
 Healthy Eating, Active Living  
 Kiwanis Club of Maui  
 Land Use Research Foundation of Hawaii  
 Mahi Pono  
 Matson  
 Maui Bicycling League  
 Maui Chamber of Commerce  
 Maui Economic Opportunity, Inc.  
 Maui Electric Company  
 Maui Executives Association  
 Maui Filipino Chamber of Commerce  
 Maui Hotel and Lodging Association  
 Maui Lions Club  
 Maui Native Hawaiian Chamber of Commerce  
 Maui Nui Marine Resource Council  
 Maui Tomorrow  
 Maui Visitors Bureau  
 Platinum Tours Maui  
 Realtors® Association of Maui, Inc.  
 Roberts Hawai'i  
 Rotary Club of Maui  
 Sierra Club  
 SpeediShuttle  
 Surfrider Foundation  
 The Nature Conservancy of Hawaii  
 University of Hawai'i, Sea Grant College Program  
 University of Hawai'i, Sustainable Living Institute of Maui  
 Urban Land Institute Hawaii  
 VIP Trans Maui Airport Shuttle  
 Women Helping Women  
 Young Brothers