



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

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

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

18 "Member jurisdiction or authority" means a local or state  
19 jurisdiction or a local or regional authority that has entered  
20 into a comprehensive agreement to support the metropolitan



1 planning process and that is provided representation on the  
2 metropolitan planning organization's policy board.

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

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

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

11 § -3 Establishment of metropolitan planning

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

18 (b) A metropolitan planning organization shall:

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



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



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

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

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



1 roles and responsibilities of transportation management area  
2 metropolitan planning organizations and the department of  
3 transportation regarding the administration of the  
4 transportation management area metropolitan planning  
5 organization may be further defined by agreement between the two  
6 entities.

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

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

13 § -5 **Transportation management area metropolitan**  
14 **planning organization revolving funds.** (a) There is  
15 established in the state treasury a revolving fund for each  
16 transportation management area metropolitan planning  
17 organization, into each of which shall be deposited \$

18 (b) Moneys in each transportation management area  
19 metropolitan planning organization revolving fund shall be  
20 administered by the director of transportation.



1 (c) The moneys in each transportation management area  
2 metropolitan planning organization revolving fund shall be used  
3 for the purpose of operating each respective transportation  
4 management area metropolitan planning organizations.

5 (d) The moneys in each transportation management area  
6 metropolitan planning organization revolving fund shall be  
7 appropriated according to an inter-agency agreement between each  
8 transportation management area metropolitan planning  
9 organization and the State.

10 (e) A transportation management area metropolitan planning  
11 organization revolving fund shall not be replenished unless that  
12 transportation management area metropolitan planning  
13 organization receives matching federal moneys.

14 § -6 Metropolitan planning organization policy boards;  
15 membership and meetings. (a) Policy board membership shall be  
16 established by comprehensive agreement, including any applicable  
17 supplemental agreements and bylaws; provided that the citizen  
18 advisory committee of a metropolitan planning organization in a  
19 county with a population of 500,000 or more shall select one of  
20 its members to serve as a voting member of that policy board and



1 another of its members to be a non-voting member of that  
2 metropolitan planning organization technical advisory committee.

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

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

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





1           §   -8 **Member financial dues.** (a) The policy board shall  
2 identify and establish, by interagency agreement, the member  
3 financial dues necessary to sustain the metropolitan planning  
4 organization. The annual member financial dues amount shall be  
5 reviewed at least every three years.

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

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

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

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

18           §   -9 **Meetings.** (a) Notwithstanding any law to the  
19 contrary, meetings of policy boards, advisory committees, or  
20 subcommittees shall be subject to chapter 92.



1 (b) A majority of the membership of a policy board or  
2 committee of a policy board shall constitute a quorum to do  
3 business.

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

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

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

- 11 (1) Transportation use special fund established by section  
12 261D-1;
- 13 (2) Special out-of-school time instructional program fund  
14 under section 302A-1310;
- 15 (3) School cafeteria special funds of the department of  
16 education;
- 17 (4) Special funds of the University of Hawaii;
- 18 (5) State educational facilities improvement special fund;
- 19 (6) Special funds established by section 206E-6;
- 20 (7) Aloha Tower fund created by section 206J-17;



- 1           (8) Funds of the employees' retirement system created by
- 2                   section 88-109;
- 3           (9) Hawaii hurricane relief fund established under section
- 4                   431P-2;
- 5           (10) Convention center enterprise special fund established
- 6                   under section 201B-8;
- 7           (11) Hawaii health systems corporation special funds and
- 8                   the subaccounts of its regional system boards;
- 9           (12) Tourism special fund established under section 201B-
- 10                   11;
- 11           (13) Universal service fund established under section 269-
- 12                   42;
- 13           (14) Emergency and budget reserve fund under section 328L-
- 14                   3;
- 15           (15) Public schools special fees and charges fund under
- 16                   section 302A-1130;
- 17           (16) Sport fish special fund under section 187A-9.5;
- 18           (17) Center for nursing special fund under section 304A-
- 19                   2163;
- 20           (18) Passenger facility charge special fund established by
- 21                   section 261-5.5;



- 1       (19) Court interpreting services revolving fund under
- 2             section 607-1.5;
- 3       (20) Hawaii cancer research special fund;
- 4       (21) Community health centers special fund;
- 5       (22) Emergency medical services special fund;
- 6       (23) Rental motor vehicle customer facility charge special
- 7             fund established under section 261-5.6;
- 8       (24) Shared services technology special fund under section
- 9             27-43;
- 10       (25) Nursing facility sustainability program special fund
- 11            established pursuant to Act 156, Session Laws of
- 12            Hawaii 2012;
- 13       (26) Automated victim information and notification system
- 14            special fund established under section 353-136; ~~and~~
- 15       (27) Hospital sustainability program special fund under Act
- 16            217, Session Laws of Hawaii 2012, as amended by Act
- 17            141, Session Laws of Hawaii 2013 [7]; and
- 18       (28) Any transportation management area metropolitan
- 19            planning organization revolving fund established under
- 20            section -5;



1 shall be responsible for its pro rata share of the  
2 administrative expenses incurred by the department responsible  
3 for the operations supported by the special fund concerned."

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

6 "[+]§279A-8 [~~Oahu~~] Metropolitan Planning Organization;  
7 effect on funding.[+] The provisions of this chapter do not  
8 affect the entitlement of the [~~Metropolitan Planning~~  
9 Organization] metropolitan planning organization for [~~the island~~  
10 of Oahu] any island to unconditionally receive and administer  
11 transportation planning funds pursuant to [~~Section 112 of the~~  
12 Federal Aid Highway Act of 1973.] 23 United States Code section  
13 134, as amended."

14 SECTION 4. Chapter 279E, Hawaii Revised Statutes, is  
15 repealed.

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

19 SECTION 6. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



# H.B. NO. 1262

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY: *[Signature]*  
*Lindedchiana*  
*John M. [Signature]*  
*Brend Kobayashi*  
*Tom Brown*  
*Andy Evans*

JAN 28 2015



# H.B. NO. 1262

**Report Title:**

Metropolitan Planning Organizations

**Description:**

Creates a new chapter relating to metropolitan planning organization. Repeals chapter 279E, HRS. Exempts transportation management area metropolitan revolving funds from pro rata share of administrative expenses.

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

