

DAVID Y. IGE
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Testimony by:
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IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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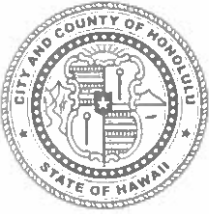
February 8, 2018
9:00 AM
State Capitol, Room 225

SB 2296
RELATING TO METROPOLITAN PLANNING ORGANIZATIONS

Senate Committee on Transportation and Energy and Public Safety, Intergovernmental,
and Military Affairs

The Department of Transportation (DOT) **supports** this bill which requires that membership of each metropolitan planning organization policy board include at least one member of the senate and one member of the house of representatives from that metropolitan planning area. Legislative representation will provide legislative guidance and perspective to policy decisions as the legislature provides the state match to many of the projects conducted by MPO's.

Thank you for the opportunity to provide testimony.



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The Honorable Will Espero, Vice Chair
And Members of the Senate Committee on Transportation and Energy

The Honorable Clarence Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
And Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs
415 South Beretania Street, Conference Room 225
Honolulu, HI 96813

Subject: SB 2296, Relating to Metropolitan Planning Organizations
Hearing: Thursday, February 8, 2018, at 9:00 am

I am currently the Chair of the OahuMPO (OMPO) Policy Board. This testimony is in opposition to SB 2296, which defines "Metropolitan planning area" and requires that:

- (1) At least one member shall be a resident of the applicable metropolitan planning area and a member of the senate appointed by the president of the senate; and
- (2) At least one member shall be a resident of the applicable metropolitan planning area and a member of the house of representatives appointed by the speaker of the house of representatives.

My testimony will address how this bill affects the OMPO Policy Board composition. The OMPO Policy Board is established and governed by the updated July 20, 2015 Comprehensive Agreement, which was mutually agreed upon by the city and state.

By virtue of SB 2296, the State Legislature aims to amend this already-agreed-upon Comprehensive Agreement, which should not be allowed. Moreover, it is unclear without a legal opinion, which set of rules/laws would govern if the Comprehensive Agreement and Hawaii Revised Statutes (HRS) are in conflict.

SB 2296 is Unnecessary at Best as OMPO's Comprehensive Agreement Already Specifies that All Members Must be from Oahu with Two Senate President Appointees and Two House Speaker Appointees.

SB 2296 is unnecessary and may have unintended consequences. Currently, under the Comprehensive Agreement, the Policy Board of OMPO "shall be composed of eleven (11) members *all of whom must be registered voters within, and permanent residents of, the island of Oahu.*" (Emphasis added). The Comprehensive Agreement further specifies the composition of the Policy Board, including:

(f) Two (2) members of the Senate, who shall be:

a. appointed by the Senate President, and

(g) Two (2) members of the House of Representatives, who shall be:

a. appointed by the Speaker of the House[.]

Relating to OMPO's Policy Board composition, SB 2296 is duplicative and unnecessary at best. OMPO's Comprehensive Agreement already specifies that all 11 members must be from the "applicable metropolitan planning area" and that of these 11 members, two will be Senate President appointees and two will be House Speaker appointees.

If the "at least one member" language of SB 2296 is interpreted as allowing the other Senate or House appointees to not be from the "applicable metropolitan planning area," the Comprehensive Agreement and HRS would be conflicting. Moreover, this interpretation would raise federal non-compliance issues that may jeopardize federal funding and may have other unintended consequences. In fact, on page 36 of the September 26, 2014 federal TMA Certification Review (attached), the Federal Highway Administration and Federal Transit Administration unambiguously state that having "at least one state-level elected representative from another island seated as a voting member [] conflicts with the federal requirement of appropriate state official representation."

Thank you for allowing me the opportunity to submit testimony. For the foregoing reasons, I respectfully request deferral of SB 2296.

Sincerely,



Brandon Elefante
Councilmember, District 8

SB-2296

Submitted on: 2/7/2018 3:09:36 PM

Testimony for TRE on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Armstrong	Maui MPO	Support	No

Comments:

As Executive Director of the Maui MPO, I support SB2296 to have representation from our State legislators on the MPO Policy Board. This will improve coordination between State and County as we seek solutions to transportation issues on the island of Maui.

I do have a concern that the addition of State legislators may impact our ability to make quorum at Policy Board meetings, especially during the legislative session, but am willing to work with members to find meeting times that work for as many of us as possible.

The Maui MPO Policy Board has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as Executive Director. Policy Board members were generally in favor of this bill at our January 2018 meeting.