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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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HONOLULU, HAWAII 96813-5097

March 22, 2022

3:20 P.M.

State Capitol, Conference Room 224/Teleconference

S.C.R. 167

**URGING THE DEPARTMENT OF TRANSPORTATION TO CONVENE AN
INTERGOVERNMENTAL TASK FORCE TO ASSIST THE COUNTY OF HAWAII IN
THE ESTABLISHMENT AND CERTIFICATION OF A METROPOLITAN PLANNING
ORGANIZATION**

Senate Committee on Transportation

The DOT provides **comments** on these resolutions that create a temporary intergovernmental task force to assist in the establishment and certification of a metropolitan planning organization (MPO) for the County of Hawaii. The department considers that these resolutions are unnecessary and propose a conflict with federal law and regulations of metropolitan planning organizations.

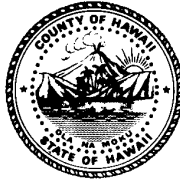
The DOT supports collaboration among communities and government agencies to direct federal funds toward transportation projects that increase access to opportunity and prosperity through improved multimodal pedestrian, bicycle, and transit options. However, the establishment of an MPO for the County of Hawaii may not comply with federal regulations. According to 23 Code of Federal Regulations 450.310, "...an MPO shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census)." It is important to note that the requirement for 50,000 population must be one contiguous area—not a summation. The final 2020 Census data expected to be published in the next several months will determine whether this population threshold is met. If the threshold is met, no legislation is required to establish the MPO; rather, an MPO designation shall be made by agreement between the Governor and the county government.

The process required by this bill not only conflicts with federal regulations but also creates redundant and unnecessary processes. There are several feasible alternatives available to the County of Hawaii that do not require legislation. For example, a Regional Transportation Planning Organization is an option available to the County of Hawaii that can ensure transportation equity, conduct public involvement and non-metropolitan stakeholder involvement, develop and implement the regional long range land transportation plan, manage the regional Transportation Improvement

Program, manage the work program, and participate in statewide planning activities. The existing Countywide Transportation Planning Process is a process that is currently used for transportation planning in nonmetropolitan areas.

Thank you for the opportunity to provide comments.

Mitchell D. Roth
Mayor



John C. Andoh
Mass Transit
Administrator

County of Hawai'i Mass Transit Agency

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March 21, 2022

TESTIMONY REGARDING METROPOLITAN PLANNING ORGANIZATIONS COMMENTS ON SR159 AND SR167

The County of Hawai'i Mass Transit Agency would like to offer comments regarding SR159 and SR167. It is commendable that the Legislature is recognizing the growth of Hawai'i County based on previous action of the County Council. Since urbanization will be coming to Hawai'i County in the next 20 years, the formation of a metropolitan planning organization (MPO) is important. We appreciate the commitment from the County Council per Resolution 262-21 and the intent of this resolution. We offer the following for comment in regard to these resolutions:

WHEREAS, the Infrastructure Investment Jobs Act has allocated \$358 million to the Metropolitan Planning Organization Highway Planning Funding and \$107 million to Metropolitan Planning Organization Transit Planning Funding to expend within the next five years; and

WHEREAS, the Federal-Aid Highway Act of 1962 required that metropolitan planning organizations be established to serve as a forum for collaboration among local communities and government agencies and to direct federal funds toward projects that increase access to opportunity and prosperity through improved multimodal pedestrian, bicycle, and transit options; and

WHEREAS, metropolitan planning organizations are designated by agreement between the governor and local governments that together represent at least seventy-five percent of the affected population, including the largest incorporated city based on population, or in accordance with procedures established by applicable state and local law; and

WHEREAS, the Hawai'i Department of Transportation has the responsibility to support statewide transportation goals in the State and work together with the counties to accomplish transportation goals in their respective islands; and

WHEREAS, there are two established metropolitan planning organizations operating in the State of Hawai'i, one located in

the County of Maui and the other in the City and County of Honolulu; and

WHEREAS, according to the 2020 United States Census data, 200,629 people reside in the County of Hawai'i, where the ability to deliver quality public transportation services is hampered by the sheer geographic distance between urban and rural areas; and

WHEREAS, in December 2021, the Council of the County of Hawai'i passed Resolution No. 262-21, urging the ~~County's~~ Department of Planning and Sustainable Development to assess the feasibility of establishing a metropolitan planning organization for the County of Hawai'i; and

WHEREAS, in June 2022, data points for urbanized areas will be made available by the United States Census ~~and such data will be provided to the United States Department of Transportation and the Governor of the State of Hawai'i for determination of metropolitan planning organization formation for urban areas of 50,000 or greater and the County of Hawai'i is expected to reach the population threshold of fifty thousand people for Kailua-Kona, Hilo, and Puna;~~ and

WHEREAS, when the population for Kailua-Kona, Hilo, or Puna exceeds forty-five thousand people, the ~~Hawai'i~~ Department of Transportation is requested to begin the interim process of establishing a metropolitan planning organization with the County of Hawai'i ~~and complete a self-certification proposal to indicate that the County of Hawai'i has met all federal requirements for the Federal Transit Administration in cooperation with the Governor in accordance with 23 U.S.C. §134(b) and 49 U.S.C. § 5303 (c), Federal laws and;~~ and

WHEREAS, it is the responsibility of the policy board of the metropolitan planning organization to make decisions that are the result of the continuing, cooperative, and comprehensive transportation planning process and the organization's staff to support and provide technical resources to the policy board; and

WHEREAS, the County of Hawai'i does not have a metropolitan planning organization; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, the House of Representatives concurring, that the Department of Transportation is urged to convene an intergovernmental task force to ~~recommend policy and provide guidance to assist the County of Hawai'i to establish and certify form a metropolitan planning organization or a regional transportation planning organization should County of Hawai'i not meet the thresholds of~~

the formalization of a metropolitan planning organization in the 2020 census; and

BE IT FURTHER RESOLVED that the Department of Transportation is urged to provide the intergovernmental task force with a list of highway projects to be executed within the next four years from the State Transportation Improvement Program to support the development of the metropolitan planning organization's transportation improvement program; and

BE IT FURTHER RESOLVED that the intergovernmental task force is requested to submit a report of its findings and recommendations, including any proposed legislation, *if needed after review of existing state and federal regulation*, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; and

BE IT FURTHER RESOLVED the task force be dissolved upon submittal of its report; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of the State Department of Transportation, Mayor of the County of Hawai'i, ~~and~~ Councilmembers of the County of Hawai'i *and the Directors of Mass Transit Agency, Planning and Public Works of the County of Hawai'i.*

As previously stated, a Regional Transportation Planning Organization (RTPO) can provide an alternate venue for rural transportation planning and access to funding provided by the Federal Highway Administration and Federal Transit Administration in the event that the County of Hawai'i does not receive an urbanized area in the 2020 census. Details on RTPOs are available here: <https://ruraltransportation.org/about-rtpo/rtpo-states/> and https://www.planning.dot.gov/documents/RTPO_factsheet_master.pdf

You may reach me at 808.961.8555 or email john.andoh@hawaiicounty.gov with any questions on this testimony.

Mahalo,

A handwritten signature in black ink, appearing to read 'John Andoh', written in a cursive style.

John Andoh,
Mass Transit Administrator & General Manager