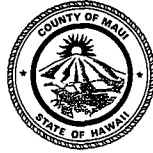


DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
**RECEIVED** Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.mauicounty.gov/county/clerk

2015 DEC -4 PM 4: 24

**OFFICE OF THE  
COUNTY COUNCIL**

December 4, 2015

Honorable Stacy Crivello, Chair  
Housing, Human Services, and  
Transportation Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Crivello:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of December 4, 2015:

COUNTY COMMUNICATIONS:

- No. 15-293 - Carol K. Reimann, Director of Housing and Human Concerns
- No. 15-294 - Jo Anne Johnson-Winer, Director of Transportation

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo".

DANNY A. MATEO  
County Clerk

/jym

Enclosure

cc: Director of Council Services

ALAN M. ARAKAWA  
Mayor



JO ANNE JOHNSON-WINER  
Director

RECEIVED

MARC I. TAKAMORI  
Deputy Director

2015 NOV 12 PM 2: 44 Telephone (808) 270-7511

DEPARTMENT OF TRANSPORTATION OFFICE OF THE MAYOR

COUNTY OF MAUI  
200 South High Street  
Wailuku, Hawaii, USA 96793-2155

November 11, 2015

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White  
Chair, Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
*[Signature]* 11/13/15  
\_\_\_\_\_  
Mayor Date

Honorable Chair White –

**SUBJECT: MAUI METROPOLITAN PLANNING ORGANIZATION (MAUI MPO)**

Please find attached two ordinances and a comprehensive agreement that establish the Maui Metropolitan Planning Organization (Maui MPO), which is required when the population, per the U. S. Census reaches 50,000 or more for a specific "urban zone area." This threshold was attained by Maui County during the 2010 census. Establishing Maui MPO complies with Federal and State law and authorizes both to provide funding to fulfill the Maui MPO duties. Both the Maui County Department of Public Works and Maui County Department of Transportation depend on Federal Highways Administration and Federal Transportation Administration funding, which can be withheld if we do not comply with requirements to form the Maui MPO.

The attached ordinance authorizing the County to enter the Intergovernmental Agreement (Comprehensive Agreement) with the State complies with Maui County Code Section 2.20.020. The ordinance establishing the Maui MPO amends Maui County Code Chapter 2.35.

It is important to expedite the submission to Council so that implementation of the Maui MPO can be accomplished and not interfere with the funding tied to requirements to comply with Federal and State laws. This funding is essential to the County for both transportation and roadways.

Please let our department know as soon as possible when this may be scheduled for a hearing since my upcoming retirement will occur on December 30, 2015.

COUNTY COMMUNICATION NO. 15-294

OFFICE OF THE  
COUNTY CLERK


2015 NOV 16 AM 8: 53

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Honorable Mike White, Chair  
and Members of the Maui County Council  
November 11, 2015  
Page 2

Also, if you have any questions or concerns please feel free to contact either myself or Deputy Director, Marc Takamori at 808-270-7511.

Sincerely,



Jo Anne Johnson Winer  
Director of Transportation

CC: Mayor Alan M. Arakawa  
Marc Takamori, Deputy Director, County of Maui Department of Transportation  
Rowena Dagdag-Andaya, Deputy Director, County of Maui Department of  
Public Works  
Michele McLean, Deputy Director, County of Maui Department of Planning  
Jerrie Sheppard, Deputy Corporation Counsel, County of Maui  
Ford Fuchigami, Director, Hawaii State Department of Transportation  
Mayela Sosa, Hawaii Division Administrator, Federal Highways Administration  
Ted Matley, Community Planner, Federal Transit Administration Region IX

Attachments

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, TO  
ESTABLISH THE MAUI METROPOLITAN PLANNING ORGANIZATION

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

SECTION 1. The purpose of this ordinance is to meet the requirements of federal law in order to receive federal funding for transportation planning. The Federal-Aid Highway Act of 1962, Pub. L. No. 87-866, Oct 23, 1962, requires projects in any urban area of more than fifty thousand people to be based on a “continuing, cooperative, and comprehensive transportation planning process carried on cooperatively by States and local communities...”

In the census of 2010, the geographic area of Kahului, Wailuku, and Paia was found to have a population exceeding 50,000 people. Consequently, in December 2013, the Governor of the State of Hawaii designated Maui County as an “urbanized area” as defined by the federal law, which the became subject to the metropolitan transportation planning requirements of the U.S. Code, 23 U.S.C. § 134.

SECTION 2. Title 2, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“Chapter 2.35**

**MAUI METROPOLITAN PLANNING ORGANIZATION**

Sections:

- 2.35.010 Establishment.
- 2.35.020 Purpose and intent.
- 2.35.030 Organization, powers, duties, and functions.

**2.35.010 Establishment.** The Maui metropolitan planning organization is hereby established as provided by law.

**2.35.020 Purpose and intent.** A. Federal law requires the designation of an entity in order to receive federal funding for transportation planning, to act as a decision-making agency, and to carry out a continuing, cooperative, and comprehensive transportation planning process.

B. The intent of this chapter is to facilitate the planning, management, and operation of the Maui metropolitan planning organization (Maui MPO).

**2.35.030 Organization, powers, duties, and functions.**

A. The organization, powers, duties, and functions, shall be as provided by law, and the Maui MPO shall have its own policy board, executive director and staff, except the department of transportation may provide administrative support pursuant to a supplemental administrative agreement.

B. The Maui MPO shall operate according to executed comprehensive agreements between the State, County, and other operators of public transportation receiving federal funds, and other entities as appropriate.

C. There shall be a policy board which will be supported by the Maui MPO staff. Decisions by the Maui MPO policy board shall be the result of a continuing, cooperative, and comprehensive transportation planning process.

D. The Maui MPO may engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice.

E. The Maui MPO may contract for, or accept revenues, compensation, proceeds, and gifts or grants in any form.

F. The Maui MPO shall meet all requirements as defined in 23 U.S.C. §§ 134 and 135, 49 U.S.C. §§ 5303 and 5304, and the implementing regulations, and any other relevant requirements.

G. The Maui MPO shall meet all requirements as set forth in Chapter 279D, Hawaii Revised Statutes.

**2.35.040 Rules.** The Maui MPO may adopt administrative rules of practice and procedure, or bylaws, pursuant to chapter 91, Hawaii Revised Statutes.

SECTION 3. Chapter 2.40, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**“2.40.230 Maui metropolitan planning organization.**  
**There is established a Maui metropolitan planning organization as provided by law in 23 U.S.C. § 134(d)(1)(B) and chapter 279D, Hawaii Revised Statutes.”**

SECTION 4. New material is underscored. In printing this bill the County Clerk need not include the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
JERRIE L. SHEPPARD  
Deputy Corporation Counsel  
2014-1954

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2015)

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

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

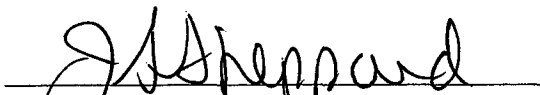
SECTION 1. Purpose. The purpose of this ordinance is to receive certain funds and carry out coordinated and integrated metropolitan transportation planning in accordance with metropolitan transportation planning requirements of the U.S. Code, 23 U.S.C. Sections 134-5 and Chapter 279D, Hawaii Revised Statutes.

Under Federal law, in order to be eligible to receive federal funding for transportation planning, the Maui Metropolitan Planning Organization (Maui MPO) has been designated as the agency to carry out the “continuing, cooperative and comprehensive” transportation planning process , as set forth in the Maui Metropolitan Planning Organization Comprehensive Agreement, attached hereto and incorporated herein as Exhibit “A”.

SECTION 2. Council Authorization. Pursuant to Section 2.20.020, Maui County Code, the Council of the County of Maui hereby authorizes the Mayor to enter into the intergovernmental agreement, attached hereto as Exhibit “A”, all other necessary documents relating to the Agreement, and any amendments thereto.

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

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
JERRIE L. SHEPPARD  
Deputy Corporation Counsel  
County of Maui  
2014-1954



**MAUI METROPOLITAN PLANNING ORGANIZATION  
COMPREHENSIVE AGREEMENT**

THIS COMPREHENSIVE AGREEMENT ("Comprehensive Agreement") is made and entered into on the \_\_\_\_ day of \_\_\_\_\_, 2015, between the County of Maui by its Mayor, and the State of Hawaii by its Governor. (Appendix A, attached hereto, provides a list of abbreviations for reference.)

**WITNESSETH:**

WHEREAS, 23 United States Code (U.S.C.) §§ 134-135, and 49 U.S.C. §§ 5303-5504, as amended, and federal regulations adopted pursuant thereto, and other federal laws, require that a Metropolitan Planning Organization (MPO) be designated based on a qualifying population threshold, to act as a decision-making agency and receive certain funds to carry out a "continuing, cooperative, and comprehensive" transportation planning process (3-C Planning Process), including development of a Long Range Transportation Plan (LRTP) and a Transportation Improvement Program (TIP); and

WHEREAS, the Federal Transportation Planning Statutes noted above, and Hawaii Revised Statutes, Chapter 279D, recognize and require the State to coordinate the Statewide transportation planning process for Metropolitan Planning Areas (MPAs); and

**EXHIBIT " A "**

WHEREAS, designation of an MPO is required for each urbanized area of more than 50,000 individuals; and

WHEREAS, in the 2010 U.S. Census, Maui County's population was greater than 50,000 individuals in the urbanized area of Wailuku-Kahului-Paia, thus qualifying for designation as an MPO; and

WHEREAS, on June 18, 2013, the Governor, the State Director of Transportation, and the Mayor of the County of Maui, sent to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), a letter designating the Maui Metropolitan Planning Organization (Maui MPO), and identifying the Island of Maui, situated in the County of Maui, as the MPA (copy of letter attached hereto as Exhibit "1"); and

WHEREAS, 23 U.S.C. § 104 and 49 U.S.C. § 5305(d), as amended, requires federal funds be made available to the designated Maui MPO to support the 3-C Planning Process, and provides that such funds not used by the Maui MPO may be transferred to the State to fund activities under 23 U.S.C. § 135, only upon written concurrence by the Maui MPO; and

WHEREAS, 23 C.F.R. 450.314 requires the State and County to cooperatively determine their mutual responsibilities in carrying out the 3-C Planning Process, by a written agreement; and

WHEREAS, Hawaii Revised Statutes, Chapter 279D, recognizes the federal mandate that MPOs act as independent decision-making

entities in order to receive and administer federal transportation planning funds, with an independent policy board and staff; and

WHEREAS, the County of Maui may administratively support the Maui MPO through its Departments of Transportation, Public Works, and Planning, even though the Maui MPO will have its own Policy Board, and may have its own Executive Director, and staff; and

WHEREAS, 23 C.F.R. § 450.310 permits an MPO to use the staff and resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan planning process, and allows such use by the Maui MPO to be set forth in a supplemental administrative agreement; and

WHEREAS, projects to be implemented using federal aid transportation funds (other than Federal Lands Highway program projects) shall be selected by the State and the County, in cooperation with the Maui MPO, from the approved metropolitan TIP pursuant to 23 C.F.R. § 450.330.

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

**I. ORGANIZATION OF THE MAUI MPO**

**A. Maui MPO Structure and Policy Board**

Pursuant to 23 U.S.C. § 134, the 3-C Planning Process for Maui shall be vested in the Maui MPO which shall abide by all applicable federal, state, and county laws and requirements. The Maui MPO shall consist of a Policy Board, an Executive Director,

and staff, as established within this agreement as well as through the establishment of the Maui MPO bylaws, administrative rules, and governing documents.

**B. Maui MPO Policy Board Responsibilities**

The Maui MPO Policy Board is responsible for developing the metropolitan transportation planning process and shall assure full compliance with the requirements of 23 U.S.C. §§ 134 and 135, 49 U.S.C. §§ 5303 and 5304, 23 C.F.R. 450 Subpart C, 2 C.F.R. 200, and all other applicable federal and State laws and regulations. The Maui MPO Policy Board shall be the decision-maker for use of federal-aid transportation funds provided under this Comprehensive Agreement for the Maui MPA, which encompasses the island of Maui

**C. Meetings of the Policy Board**

**1. Meetings.**

Meetings of the Policy Board, advisory committees, or subcommittees shall be subject to part I of Chapter 92, Hawaii Revised Statutes, provided that participation by members of the Maui County Council in a meeting of the Policy Board shall be permitted interaction as provided in Section 92-2.5(h), Hawaii Revised Statutes.

**2. Quorum.**

A majority of the voting members of the Policy Board (i.e., three voting members) or an advisory committee shall constitute a quorum to do business.

**3. Exception.**

Less than a quorum of Policy Board members may discuss Maui MPO business, without limitation, outside of a duly noticed meeting of the Policy Board.

**D. Composition and authority**

**1. Members.**

The Policy Board shall be composed of seven (7) members. Five members of the Policy Board shall be entitled to vote on matters related to Maui MPO matters, and two members shall be ex-officio, non-voting members. Meetings of the Policy Board, advisory committees, or subcommittees shall be subject to part I of Chapter 92, Hawaii Revised Statutes, provided that participation by members of the Maui County Council in a meeting of the Policy Board shall be permitted interaction as provided in Section 92-2.5(h), Hawaii Revised Statutes. The Policy Board shall include:

a) The director of the State Department of Transportation or any successor department thereof with primary responsibility for statewide transportation project implementation;

b) Three (3) members of the Maui County Council to include:

i. One member shall be appointed by the Chair of the Maui County Council,

ii. One ex-officio member shall be the Chair of the Committee covering the Department of Public Works and its projects, and,

iii. One ex-officio member shall be the Chair of the Committee covering the Department of Transportation and its projects, or the Committee covering the Department of Planning and its projects;

c) The director of the Maui County Department of Planning;

d) The director of the Maui County Department of Public Works; and

e) The director of the Maui County Department of Transportation.

## **2. Powers and Duties.**

The Maui MPO Policy Board shall have overall responsibility for the implementation of this Comprehensive Agreement, including coordination of the Maui MPO efforts and responsibilities of the Technical Advisory Committee (TAC), the Maui Department of Planning's advisory function relating to MPO and transportation planning, the review and approval of the Maui LRTP and TIP, and the development and adoption of the Maui MPO UPWP (Unified Planning Work Program.) Specifically, the Policy Board shall:

a) Provide policy direction to the TAC in their function of reviewing all Maui MPO related transportation plans, programs, and funding requirements. The Policy Board shall provide input to the transportation planning

effort performed by the State or the County, which shall be reviewed by the TAC.

- b) Formulate transportation planning policy and objectives and monitor the implementation of the MPA transportation activities and projects to ensure conformance with the State and Federal transportation and local land use guidelines and requirements.
- c) Direct, adopt, and update the UPWP elements in accordance with the guidelines set forth by the Metropolitan Planning and Programming Regulations (23 C.F.R. Part 450 Subpart C) to the extent applicable to Maui MPO including major planning issues to be addressed, available resources, operating procedures, funding estimates, timetables, task status, and including any subsequent amendments or revisions.
- d) Prepare and approve all joint financial participation and related operating agreements. Arrange for third party financial participation in the planning process, including other funding sources.
- e) Provide overall direction to the TAC, and the transportation planning staff, including but not limited to, guidance on project alternative plan formation, assessments, development of feasible strategies and report preparation.

- f) Ensure public involvement during the Maui MPO transportation planning process, including but not limited to, the use of the Maui County Council's annual budget deliberations for the Departments of Planning, Public Works, and Transportation as a citizen's forum. The Policy Board will ensure a Public Involvement Plan (PIP) is prepared and approved.
- g) Produce and publicize issues, findings, periodic progress reports, conclusions, other pertinent planning process information, and the federally required Maui MPO work products.
- h) Ensure the preparation and approval of a Transportation Improvement Program (TIP) and a Metropolitan Long Range Transportation Plan (Maui LRTP) conforming to Federal law. The Policy Board shall annually review the Maui MPO transportation plans and programs and certify that the Maui MPO planning process is being carried out in conformance with all applicable requirements of federal law, (including 49 U.S.C. §§ 5303 - 5306 and 23 U.S.C. § 134, 23 C.F.R. Part 450, Subpart C, and 40 C.F.R. Part 93). The Maui MPO LRTP formulation shall be consistent with the County of Maui's long range transportation planning process.



- i) Appoint and determine the powers and duties of the Executive Director. The MPO staff shall be hired by the Executive Director and be subject to the Executive Director's direction. The Executive Director and Maui MPO staff are exempt from Chapter 76, Hawaii Revised Statutes.
- j) Establish one Technical Advisory Committee (TAC) to advise the Policy Board and the Executive Director on technical matters including implementation of the 3-C Planning Process. The TAC shall keep the Policy Board informed as to the technical merits and issues of any plan, study, project, or other product or process of the Maui MPO. The members of the TAC shall be determined by the Policy Board, the chair of which should be a voting member of the Policy Board. The Policy Board shall identify the TAC's purpose, membership, officer and elections meetings and other operating rules as needed. The TAC may recommend that the Policy Board take specific action. Support services for the TAC will be provided by the Maui MPO staff.
- k) Establish other Advisory Committees, at its discretion and upon the approval of a majority of its voting members. Each Advisory Committee's members, officers and elections, meetings, and other operating rules as

needed shall be approved by the Policy Board including any amendments thereto. The members of any advisory committee shall be determined by the Policy Board, the chair of any such Advisory Committee shall be a voting member of the Policy Board. The purpose of any Advisory Committee is to evaluate and advise the Policy Board as to the merits and issues of any plan, study, project, or process of the Maui MPO. Advisory Committees may recommend the Policy Board take specific action. Support services for all Advisory Committees will be provided by the Maui MPO staff. Any Advisory Committee may form, upon approval by a majority of its members, one or more subcommittees.

**3. Ex-Officio Members.**

Ex-officio members are those non-voting members who serve on the Policy Board by virtue of holding a particular office or position. The Policy Board members specified above shall serve as ex-officio members, subject to membership delegation as detailed in item 4. below.

**4. Delegation.**

At the discretion of the department director, a deputy director or designee may be delegated to serve as the Policy Board member in lieu of the department director. The designee may not be the Technical Advisory Committee member serving from the same

department. Such delegation shall be effective only upon notice provided to the Maui MPO Executive Director by the respective department director.

The Policy Board Chair and Vice Chair shall be elected annually by the Policy Board members and shall serve until their respective successors are appointed.

## **II. ADMINISTRATION OF THE MAUI MPO**

### **A. Supplemental Agreements for Administrative Assistance.**

The Maui MPO may enter into administrative supplemental agreements with the County of Maui's Department of Transportation (MDOT), assigning responsibility for administrative tasks between the MDOT and the Maui MPO. The Maui MPO may enter into other supplemental administrative agreements regarding use of staff or resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan planning process.

### **B. Fiscal and Funding Responsibilities.**

The funding of the Maui MPO shall be identified in the Maui MPO Unified Work Plan (UPWP), which shall be developed by the Maui MPO in accordance with the guidelines set forth in Federal regulations and shall be submitted by the chair of the Policy Board for FHWA and FTA approval.

### III. 3-C PLANNING PROCESS

The 3-C Planning Process is a "continuing, cooperative and comprehensive" transportation planning process which encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight including accessible pedestrian walkways and bicycle transportation facilities. The early and ongoing involvement of the public is a key part of this process which shall be integrated throughout the development of all Maui MPO activities and work products. In addition, the Policy Board will adopt a Public Participation Plan (PPP) in support of this policy.

### IV. MAUI MPO WORK PRODUCTS

The Maui MPO is responsible for developing four primary planning and programming work products pursuant to 23 C.F.R. 450 and 49 C.F.R. 613 as follows:

- a) The Maui Long Range Transportation Plan (LRTP)
- b) The Maui MPO Transportation Improvement Plan (TIP)
- c) The Maui MPO Unified Work Program (UPWP)
- d) The Maui MPO Public Participation Plan (PPP)

**V. MANAGEMENT OF THIS AGREEMENT**

**A. Revisions, Additions, or Modifications.**

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

**B. Disputes.** The parties hereto shall make a good-faith effort to resolve any disputes related to the Maui MPO Comprehensive Agreement.

**VI. CERTIFICATION OF PLANNING PROCESS**

For Metropolitan Planning Areas (MPAs), the federal laws and regulations require the State and the Maui MPO certify compliance with all applicable requirements concurrent with the submission of the entire proposed Maui TIP to the FHWA and the FTA as part of the Statewide Transportation Improvement Program (STIP) approval, and at least every four years during which the metropolitan planning process is being carried out.

**VII. ALL OTHER PROCEDURES, POLICIES, AND REPORTING REQUIREMENTS**

Details of other procedures, policies and reporting requirements will be developed as needed and in compliance with FTA and FHWA regulations.

Agreement Signatures

STATE OF HAWAII:

By \_\_\_\_\_  
Its Governor

COUNTY OF MAUI:

By \_\_\_\_\_  
ALAN M. ARAKAWA  
Its Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
JERRIE L. SHEPPARD  
Deputy Corporation Counsel  
2014-1954

## Appendix A

### Defined Terms

As used in this Comprehensive Agreement, the following words and phrases shall have the meanings ascribed unless the context clearly indicates otherwise:

"3-C Planning Process" is a "continuing, cooperative and comprehensive" multimodal transportation planning process

"C.F.R." is the Code of Federal Regulations

"COM" is the County of Maui, a political subdivision of the State of Hawaii

"DOT" or "USDOT" is the United States Department of Transportation

"Executive Director" refers to the administrative head of the Maui MPO staff

"FHWA" is the Federal Highway Administration of the United States Department of Transportation

"FTA" is the Federal Transit Administration of the United States Department of Transportation

"LRTP" is the Long Range Transportation Plan

"MDOT" is the County of Maui Department of Transportation

"MLRTP" means the Maui Long Range Transportation Plan

"Maui County Council" is the legislative, governing body as outlined in the Maui County Charter

"Maui MPO" is the Maui Metropolitan Planning Organization for the County of Maui

"MPA" is the Metropolitan Planning Area

"MPO" is defined as Metropolitan Planning Organization

"Policy Board" is the Maui MPO Policy Board

"PPP" or "PIP" refers to the Public Participation Process or Public Involvement Process

"Public Transportation Operator" is the County of Maui Department of Transportation (MDOT)

"STIP" is the Statewide Transportation Improvement Program

"TAC" is the Technical Advisory Committee to the Maui MPO

"TIP" is the Transportation Improvement Program for the Maui MPO

"UPWP" is the Unified Planning Work Plan

"U.S.C." is the United States Code





EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

STP 8.1238

June 18, 2013

Mr. Abraham Wong  
Division Administrator  
U. S. Department of Transportation  
Federal Highway Administration  
300 Ala Moana Boulevard, Room 3-306  
P. O. Box 50206  
Honolulu, Hawaii 96850

and

Mr. Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration, Region IX  
201 Mission Street, Suite 1650  
San Francisco, California 94105

Dear Messrs. Wong and Rogers:

Pursuant to 23 USC 134 (d)(1) and 49 USC 5303 (d)(1), and as determined under the 2010 United States Census and 23 USC 134 (b)(7) and 49 USC 5302 (23), Maui County's urbanized area of Kahului/Wailuku/Paia is determined eligible for and shall be designated as a Metropolitan Planning Organization. At this time, it has been agreed to by the State Department of Transportation (DOT) and Maui County that to ensure a coordinated and integrated planning effort, the Metropolitan Planning Area (MPA) is designated to encompass the entire island of Maui.

The Metropolitan Planning Organization (MPO) for Maui shall be developed and operated in accordance with all applicable Federal, State, and local laws. We will be working with representatives from your respective staff on the details for the establishment of this Metropolitan Planning Organization.

EXHIBIT " 1 "

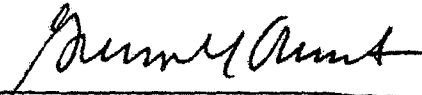
Mr. Abraham Wong  
Mr. Leslie T. Rogers  
June 18, 2013  
Page 2

If there are any questions or concerns you wish to discuss regarding this matter, please contact our State Director of Transportation, Mr. Glenn M. Okimoto at telephone number (808) 587-2150.

Sincerely,



NEIL ABERCROMBIE  
Governor, State of Hawaii



---

GLENN M. OKIMOTO, Ph.D.  
Director of Transportation



---

ALAN ARAKAWA  
Mayor, County of Maui

DATE: June 25, 2014

F r o m: Jo Anne Johnson Winer

TRANSMITTAL

Memo to: DEPARTMENT OF CORPORATION COUNSEL  
Attention: Ed Kushi, Jr. and Linden Joesting

RECEIVED  
CORPORATION COUNSEL

2015 SEP -3 PM 3:53

REC'D WJW

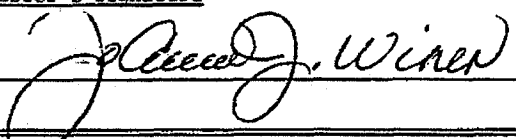
Subject: Inter-governmental Operating Agreement for Transportation Planning and Metropolitan Planning Organization Operations

Background Data: Assistance is requested in reviewing the attached agreement as to form and legality. I have attached the executed agreement from the Municipality of Anchorage and State of Alaska that I used as a guideline to create our agreement. Please see attached email for additional information and inquiries on this matter.

Update: As it has been recommended by Ed Kushi to use the Oahu MPO agreement as a guideline for our agreement, please import the content from the current MMPO draft comprehensive agreement into Oahu's baseline format.

Work Requested:  FOR APPROVAL AS TO FORM AND LEGALITY

OTHER: \_\_\_\_\_

<u>Requestor's signature</u> 	<u>Contact Person</u> <u>Jo Anne Johnson Winer</u>  (Telephone Extensions: <u>7511</u> )
--	---

ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): \_\_\_\_\_

REASON: \_\_\_\_\_

**FOR CORPORATION COUNSEL'S RESPONSE**

ASSIGNED TO: <u>LHS</u>	ASSIGNMENT NO. <u>2014-1954</u>	BY: _____
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TO REQUESTOR:  APPROVED     DISAPPROVED     OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS  
AS NOTED

COMMENTS: ATTACHED:

- (1) Ordinance Adding Chapter 2.35
- (2) Ordinance authorizing Intergovernmental Agreement with Exhibit A, (Main MPO Comprehensive Agreement)
- (3) Original Comprehensive Agreement to LATER <sup>Obtain signature</sup> DEPARTMENT OF CORPORATION COUNSEL

Date 11/6/15

By J. Sheppan