

Federal Lands Access Program Program Decision Committee Charter State of Hawaii

Purpose

The purpose of this Charter is to establish the procedures to be used in implementing the Federal Lands Access Program (Access Program) in the State of Hawaii pursuant to the provisions of 23 U.S.C §§ 201, 204 and 217.

Parties to the Charter

The Programming Decisions Committee (PDC) is comprised by a representative of the Federal Highway Administration; a representative of the State of Hawaii Department of Transportation; and a representative of the Local Public Agencies in Hawaii.

The PDC for the State of Hawaii includes:

- Federal Highway Administration (FHWA): Mr. Ryan Tyler, Planning & Programs Manager, FHWA – CFLHD or designated representative;
- State Department of Transportation (HDOT): Mr. Glenn Okimoto, Director or designated representative; and
- Local Public Agencies (LPA): Mr. Warren Lee, Director of the Department of Public Works – County of Hawaii or designated representative.

Use of Access Program Funds

In accordance with 23 U.S.C. § 204 (a) (1), funds made available under the Federal Lands Access Program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal Land Management Agencies (FLMAs) for:

- (A) Transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and
 - i. adjacent vehicular parking areas;
 - ii. acquisition of necessary scenic easements and scenic or historic sites;
 - iii. provisions for pedestrians and bicycles;
 - iv. environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
 - v. construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
 - vi. other appropriate public road facilities, as determined by the Secretary;
- (B) Operation and maintenance of transit facilities; and
- (C) Any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.

The Access Program funds are allocated to the State by formula in accordance with 23 U.S.C. § 204. (b) (1).

Borrow/Loan funding transfers, both between states and programs, may be necessary to ensure the allocated amount will facilitate the approved program of projects and a high program obligation rate. FHWA, on behalf of the PDC, will coordinate and manage the Borrow/Loan funding transfers. Upon approval by the PDC, FHWA will execute the transfers.

Program of Projects, Project Solicitation and Selection, and Project-Level Consultation with FLMAs

Access Program decisions shall be made by the PDC, which is required to cooperate with applicable FLMAs before any joint discussion or any final programming decision.

FLMAs include, but are not limited to:

- (a) The National Park Service
- (b) The Forest Service
- (c) The United States Fish and Wildlife Service
- (d) The Bureau of Land Management
- (e) The United States Army Corps of Engineers
- (f) Other Federal agencies such as the Department of Energy, Department of Defense, etc.

Accordingly, the PDC will develop a Project Selection Process to determine a project priority listing in order to establish a Program of Projects spanning a two to five year period. This will be done in coordination with the applicable FLMAs, HDOT, and LPAs. Projects eligible for Federal Lands Access Program funding must be those projects or activities that are within, adjacent to or provide access to Federal land and demonstrate sound financial and obligation ability within the Access Program's timeframe. Within the Project Selection Process, the PDC will develop a process that utilizes the Program of Projects to determine award(s) of the current year funds. Award(s) of the Access Program funding will be decided by the PDC, with formal notification to the FLMAs, HDOT, and LPAs by the FHWA.

The PDC will generally meet annually. The meeting may be held face to face, via video, web or telephone conference as deemed appropriate by the PDC. The objective of the meeting will be to develop a two to five year Program of Projects that can be accomplished with the amount of funding that may reasonably be expected based upon current and past federal appropriations. After the Program of Projects has been approved by the PDC, the FHWA will assemble and distribute the approved program to the FLMAs, HDOT, LPAs and PDC.

Projects programmed with Federal Lands Access Program dollars, where appropriate, will be included in the required Federal programming and planning documents.

Transportation Planning / Management Systems

Statewide transportation planning will be performed concurrently in a manner consistent with, and not separate from, planning processes required under 134 and 135 of Title 23, namely the statewide and MPO planning processes. The PDC will establish a statewide Access Program that is consistent with these planning efforts.

Project Understanding Document

A formally signed project understanding document shall be executed by the FHWA and the other appropriate entities responsible for the facility. Responsible parties may include: HDOT, FLMAs or LPAs. The purpose of the document will be to record specific project responsibilities and commitments. A project understanding document will be executed for every project.

Non-Federal Share

For projects carried out under the Federal Lands Access Program, the non-federal share shall be determined in accordance with 23 U.S.C. Section 120. The non-Federal share of each project will be identified during the project solicitation process and documented in the project understanding document. The FHWA, on behalf of the PDC, will coordinate with the project sponsor to determine the process, timing and non-federal match requirements.

Project Delivery

A signed project understanding will be required for all projects selected for award by the PDC. The project understanding document will establish a scope of work for a programmed project, roles and responsibilities of all parties involved in its delivery and establish a commitment of ongoing and long-term maintenance of the completed project.

All projects shall be delivered in accordance with FHWA procedures; commitments for ROW acquisition and utility relocation contribute to the matching requirement and must be documented in the project understanding document. Where appropriate, design exceptions should be documented.

The FHWA will maintain strong relationships with Federal, HDOT, LPAs, and nongovernmental parties. The FHWA will provide program stewardship and transportation engineering services for planning, design, construction, maintenance and rehabilitation of transportation facilities on and providing access to Federal lands.

A Project Development and Design Manual (PDDM), developed by FHWA or appropriate HDOT design manuals serve as a guide for administrators and public officials within and outside FHWA who are responsible for advancing projects through the project development process. See:
www.flh.fhwa.dot.gov/resources/manuals/pddm/archives/2008.htm.

Refer also to: www.fhwa.dot.gov/federal-aidessentials for information and additional guidance for the project development and delivery process under Title 23.

If it becomes evident during the development of the selected project(s) that the scope or the anticipated cost needs to be changed, then the agency administering the project with concurrence from the project sponsor should initiate a request for PDC action to approve the change. The agency administering the project should inform the sponsor and the PDC as soon as is reasonable of this need so not to cause a delay in a project's schedule. It shall be FHWA's responsibility to receive requests and coordinate the convening of and determination on the request by the PDC.

Maintenance

The project shall be accepted by the jurisdictional agency for operation and maintenance when all construction work has been completed in substantial conformity with the approved plans and specifications and the project has been inspected by the jurisdictional agency and accepted. FHWA shall formally document acceptance by the jurisdictional agency and transmit copies to the PDC. Any environmental commitments noted in a project's planning, design, and construction documentation will be carried out and maintained or monitored by the jurisdictional agency.

After construction of a project, the jurisdictional agency will operate and maintain, or cause to be maintained, the facility at their expense in accordance with 23 U.S.C. Section 116 and 23 CFR Section 660.115, unless otherwise required under the U.S.C., and in conformance with current design standards, such as the MUTCD.

Performance Metrics

Outcomes identified in the applicant's proposal may be measured against goals established by the PDC, appropriate FLMAs or the FHWA. Accordingly, the FHWA, on behalf of the PDC, may submit relevant information for review by others, or perform an analysis of outcomes to gauge success of Access Program activities.

Stewardship and Oversight

FHWA's Central Federal Lands Highway Division (CFLHD) has stewardship and oversight responsibility and will conduct periodic program reviews. Information on individual projects, project performance and/or management may be provided to others for their review.

FHWA-CFLHD, as the PDC's point-of-contact, will facilitate communication and execution of the Access Program.

Modifications

Any modifications to the Charter must be made in writing and agreed to by all parties. Such authorizations are not binding unless they are in writing and signed by representatives duly authorized to bind each of the agencies.

Execution of Charter and Termination

There are three originally signed identical sets of this Charter for each PDC agency to retain. The effective date of this Charter will be the date of the last signature. Termination of this Charter will occur when the Access Program is discontinued by the federal government.

Reproduced copies of the Charter, including any modifications, will be provided to LPAs, other than the LPA representative's agency currently serving on the PDC.

Signatures

State of Hawaii Department of Transportation

Name: Mr. Glenn M. Okimoto, Ph.D.

Title: Director of Department of Transportation


Signature: 

Date: 8.13

Representative of Local Public Agencies in the State of Hawaii

Name: Mr. Warren H. W. Lee, P.E.

Title: Director of Public Works, County of Hawaii

Signature: 

Date: 8 Aug 2013

**Federal Highway Administration
Central Federal Lands Highway Division**

Name: Mr. Ryan Tyler, P.E.

Title: Branch Chief

Signature: 

Date: 8/13/13

Addendum 1: Definitions

- (a) **Cooperator** means a non-Federal public authority which has jurisdiction and maintenance responsibility for an Access Program road or facility.
- (b) **Federal Lands Access Transportation Facility (Access Facility)** means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands, for which title or maintenance responsibility of such facility is vested in a State, county, town, township, Tribal, municipal, or local government.
- (c) **Jurisdiction** means the legal right or authority to control, operate, regulate use of, maintain, or cause to be maintained, a transportation facility, through ownership or delegated authority. The authority to construct or maintain such a facility may be derived from fee title, easement, written authorization, or permit from a Federal agency, or some similar method.
- (d) **Long-Range Statewide Transportation Plan** means the official statewide multimodal transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process, pursuant to the provisions of 23 U.S.C. 135 and 23 CFR Part 450, Subpart B.

- (e) **Metropolitan Planning Organization (MPO)** means the policy board of an organization created and designated to carry-out the metropolitan transportation planning process, pursuant to the provisions of 23 U.S.C. 134 and 23 CFR Part 450, subpart C.
- (f) **Metropolitan Transportation Plan** means the official multimodal transportation plan addressing no less than a 20 year planning horizon that is developed, adopted, and updated through the metropolitan transportation planning process.
- (g) **Open to public travel** means except during scheduled periods, extreme weather conditions, or emergencies, open to the general public for use with a standard passenger auto, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.
- (h) **Public road** means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.
- (i) **Statewide Transportation Improvement Program (STIP)** means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and transportation improvement programs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C., Chapter 53.