FTA PRELIMINARY COMMENTS HONOLULU TRANSIT AFEIS 7-31-09

General Process Point Comments:

In response to agency comments, please send an underlined/strikeout copy in track changes mode to FTA HQ for review. An electronic version is acceptable.

Do not forget to:

- Include a transmittal letter for EPA filing after the doc is signed.
- Distribute copies to the DOI
- Post the signed FEIS and Appendices on the HRT website.
- The title should read: Final Environmental Impact Statement and 4(f) Evaluation
- Include a one page Abstract right after the signed page which includes a maximum of two paragraphs of text; dates, times and places of the associated public hearings and HRT and FTA contact info.

Document Comments:

Comment No.	Page	Section	Category	Comment
1	General	General	Design	The AFEIS contains a level of specificity not supported by the plans provided. While the plans in Appendices B (Preliminary Alignment Plans and Profiles) and C (Preliminary Right-of-Way Plans) show only minimal information about the guideway, the AFEIS contains discussion regarding street widening, locations of columns, turn lanes, station configurations, etc., that is not shown in any detail on the plans provided. The right-of-way drawings typically show only the easements and takings along with the locations of tracks, platforms and substations. The alignment plan and profile shown in Appendix B shows the track centerlines, track profiles, curve points (for Koko-Head bound track only), stationing, crossovers, curve radii, substations, station footprints and a minimal amount of road improvements.

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2	General	General	Design	The PMOC previously identified concerns with the proximity of the guideway to end of the runways at the Honolulu International Airport specifically with regard to the Runway Protection Zone, Part 77 Approach surface, the runway departure surface, and the One Engine Inoperative Surface. The PMOC understands the Project staff has been coordinating with the Airports Division of Hawaii Department of Transportation (HDOT) with regard to the portion of the fixed guideway near the airport. We also understand that a coordination meeting is to be held that involves both HDOT and the Federal Aviation Administration. However, the AFEIS does not indicate that there is an issue with the flight path zones approaching Honolulu International Airport. In fact, there is little discussion at all in the AFEIS about airport related issues.
3	General		Document Design	When describing specific mitigation measures that will be included in the ROD, identify the individual measures through alphabetization and number. E.g. the individual mitigation measures for noise and vibration should be N&V-1, N&V-2, etc. This facilitates creation of the ROD. At the discretion of the grantee, the numbering, alphabetization and specific language of each mitigation measure may be placed in an appendix with the general mitigation language remaining in the bulk of the document. Mitigation language must be clear as it will be rolled directly into the ROD.
4	2-1 thru 2-3	Introduction	Scope, Cost and Schedule	Grantee discusses the planning and design process followed by FTA, and as it relates to the NEPA requirements, even including a graphic (Fig. 2.1, pg. 2-2) which clearly shows FTA process diagram with PE and preparation of FEIS. On pg. 2-3, the following sentence is misleading since the FTA has not yet approved the Project for entry into PE: "This Final EIS addresses the Build Alternative approved by FTA for PE." Fig. 2.1 should be updated to indicate the current status. The PMOC is also concerned that the Project has advanced sufficiently to presume this AFEIS has adequately addressed the comments/concerns expressed by those that reviewed the DEIS.
5	Preface			Page i, at the end of the first paragraph insert language: "Approval of this EIS is not an Administrative Action (as defined by 23 CFR 771.107)) and does not commit the FTA to approve any future grant request to fund the preferred alternative."
6	Preface			Page ii, at the end of the second paragraph: Change "~~At least~~…" to "No sooner than…"

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7	Preface			Page ii, after the second paragraph, add a new paragraph: "Should any construction phase of this project explicitly proceed without Federal funding, the mitigation measures contained in this document and the subsequent ROD for that phase of the project may be for information purposes only and may not be enforceable by FTA. However, it is true that Congress seeks to foster in public transportation law the development and revitalization of public transportation systems that, among other goals, "minimize environmental impacts." Development and revitalization of public transportation systems is seen as including the minimization of environmental impacts, as a shared responsibility among Federal, State and local governments and the people."
8	Preface			Page ii, final paragraph: Technical appendices and documents should be compiled on CDs and be available to anyone who asks. Post them on the HRT website alongside the FEIS.
9	Executive Summary			Page S-4, next to last paragraph: The text in this paragraph states that the Maintenance and Storage facility will be located at either of two places. However, the text on page 4-178, states that the 44 acre site in Waipahu near the CC has been chosen as the LPA. Modify the text in the Executive Summary.
10	Executive Summary			Page S-6, next to last paragraph: Change text to read: "Even with mitigation ~~there will be substantial~~ the Project will have significant adverse effects on ~~to~~ visual and aesthetic resources in the corridor."

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11	Chapter 2			The public comments on the DEIS were informative here. We could be vulnerable here for not "…objective(ly) evaluate(ing) all reasonable alternatives…" (Sec.1502.14(a)) Consequently, this chapter has to be bullet-proof because we need a convincing rationale for all, "…alternatives which were eliminated from detailed study (Sec.1502.14(a)) including environmental rationales." CEQ FAQ 2(a) says, "reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." If the P&N is so finely crafted as to preclude all other reasonable alternatives except the preferred alternative – we could also be vulnerable. In this case, the P&N appear to be all about "improved transit travel times" and "level of performance." At the start of this process, HRT was requested to, at a minimum, craft one environmentally preferable alternative. This has not been done. See CEQ FAQ 6(a), "Section 1505.2(b) requires that, in cases where an EIS has been prepared, the Record of Decision (ROD) must identify all alternatives that were considered, . . . specifying the alternative or alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101.
12	Chapter 2			<u>2.2 Alternatives Screening and Selection Process</u> Beef-up the discussion of environmental screening in this section. Include a table of various alternatives and the environmental screening criteria or environmental scores that demonstrated why they were not selected for further environmental review. This should include the "broad range of alternatives" and the "alternatives considered in the alternatives analysis."
13	Chapter 2			Page 2-2, Figure 2, Planning and Project Development Process The permission to Enter PE date will have to change.
14	Chapter 2			Page 2-2, Figure 2, Planning and Project Development Process The permission to Enter PE date will have to change.

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15	Chapter 2			Page 2-3, first paragraph Neither the NEPA process nor the alternatives analysis for this document are governed by the procedural steps for the New Starts process. Under NEPA, and FTA requirements (23 CFR 771 et. seq.) the evaluation shall, "not restrict consideration of alternatives…" Also, see CEQ1502.14(a): "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." Integrate a discussion of NEPA rules with New Starts guidance.
16	Chapter 2			p. 2-3, first paragraph Modify language: "…that will conclude ~~PE and~~ the Federal…"
17	Chapter 2			page 2-41, Project Phasing The narrative describes the Project as being constructed in four phases and cites Figure 2-41. On page 2-42, Figure 2-41 describes five Project phases. The Project is either four phases or five phases – align the narrative with the timeline in the Figure.
18	2-3	2.1 thru 2.3	Design	Essentially the discussion matches PMOC current understanding of the Project. Figures used and Plans included in Appendices B & C generally replicate what the Project has been described as, but in a number of areas there is more discussion about particular design solutions than evidenced from the Plans provided. Where warranted, the Plans in Appendices (and possibly some of the figures as well) should be updated with PE-level design work apparently completed by the Grantee.
19	2-19	2.4	Design and Scope	The AFEIS states that the Airport Alternative will require less ROW than the Salt Lake Alternative. It is difficult to fully assess in this AFEIS the full extent of the ROW requirements and the analysis thereof. Appendix C is not easily assessable to complete this assessment. Nonetheless, this information appears to match the PMOC's understanding of the Project.
20	2-19 thru 2-25	2.5	Scope	Generally matches the PMOC's understanding of the Project.
21	2-25	2.5.1	Scope	The fleet size requirements of 75 (2019 peak) and 85 (2030 peak) vehicles identified in the AFEIS match the vehicle quantities as presented in City's "Fixed Guideway Fleet Sizing Report" June 2009. The PMOC confirmed the fleet sizing is adequate per the guidelines of Transit Cooperative Research Program Report 100.
22	2-26	2.5.2	Design	The AFEIS indicates that the system may be "manually operated by a driver or fully automated (driverless)". However, the PMOC has been informed by the Grantee that the vehicles will be fully automated with manual operation possible only through a hostler panel.

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23	2-26 & 2-27	2.5.1 and 2.5.3	Design	Section 2.5.1 indicates that the fare system proposed for the Project will be proof of payment. However, Section 2.5.3 states that the stations will "accommodate fare gates and station manager's booths". The PMOC understands from discussion with the City that the system will be proof of payment. It is unclear why fare gates would then be required.
24	2-30	Alternatives Considered	Design	Figures 2-14 and 2-15 labels are reversed: Figure 2-14 shows a typical center platform with a concourse and Figure 2-15 shows typical side platforms with a concourse. It is worth noting that the side platform with concourse configuration shows a platform level extending out to the station entrance structures on the outside of the roadway, which would be unnecessary if a set of elevators (from concourse to platform) could be placed within the footprint of the functional parts of the platforms. The placement of elevators in the station entrance buildings is less convenient than it could be, causing longer travel paths for those with disabilities.
25	2-39	2.5.8	Scope	The AFEIS states that the Vehicle Maintenance and Storage Facility (MSF) will "store up to 100 vehicles." The Project Management Plan (PMP) states that the MSF will accommodate up to 150 vehicles.
26	2-39	2.5.8	Scope	The AFEIS states two alternate sites for the MSF are being considered: a 44-acre site near Leeward Community College (Navy Drum Site); and the 41-acre site in Hoopili. However, the PMP states that the MSF will be constructed on 43 acres of land at the Navy Drum site. If the decision has been made for one site, the FEIS should reflect this.
27	2-41	2.5.9	Design	The AFEIS should clarify whether the TPSS sites will require any aesthetic treatment based on community input.
28	2-41	2.5.10	Scope	The statement that "Construction of stations in under-developed areas may be deferred until those areas are developed" had not previously been discussed with the PMOC. It is PMOC's understanding that all stations shown on the drawings are to be constructed in their entirety and operated as part of the Project.
29	2-42	Fig. 2-41	Construction Methodology	The PMOC was provided a DRAFT Contract Packaging Plan (Revision 2) dated February 5, 2009 and preliminary contract documents that demonstrate a fairly advanced contract packaging methodology that would include Design-Bid-Build, Design-Build, and Design-Build-Operate-Maintain.. However, the AFEIS is fairly silent on this fact, particularly given that procurement activities are underway for three construction or equipment procurement contracts. The AFEIS could provide more detail of the contracting methodology in Appendix E and discuss the implications of the various methods of contracting that would allow for greater transparency.
30	2-42	2.5.10	Design	Under *Construction Schedule*, the AFEIS states "Preliminary Engineering for the Project is underway…" This statement is not currently accurate, although it likely will be by the time the FEIS is made available for public comment.

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31	Chapter 3	Transportation	Construction Impacts/ Mitigations	Generally the construction methodology described in the AFEIS is consistent with the PMOC understanding as presented by the City.
32	Chapter 4			Page 4-7, Table 4-1 Under Visual and Aesthetic Conditions, Section 4.8, describe the environmental effects as "significant" as related to the sector development plans and the "viewer response" to the DEIS. Describe the probable unavoidable adverse environmental effects as "significant and unavoidable."
33	Chapter 4			Page 4-7, Table 4-1 Under Noise and Vibration, Section 4.10, describe the environmental effect of the project as having "moderate noise impacts." Do not describe mitigation here. Under mitigation measures, describe vehicle skirts; move the parapet wall discussion to the mitigation section; describe project start-up noise testing and potential mitigation.
34	Chapter 4			Page 4-9, Table 4-1 Expand the Archaeological, Cultural and Historic Resources section of the table and describe environmental effects, mitigation measures and probable adverse effects to parklands affected by the project.
35	Chapter 4			Page 4-9, Section 4.8 Modify language, "…with surroundings, and discussion of probable <u>significant and unavoidable</u> adverse environmental effects was added."
36	Chapter 4			Page 4-10, Section 4.10 Modify language, "…after mitigation ~~there will be~~ no impact <u>is expected</u> from the project.
37	Chapter 4			Page 4-27, Mitigation The DEIS describes property owners as being compensated, "…in accordance with the Real Estate Acquisition Management Plan (RTD 2008q)." Is this no longer the case? Describe the alternative plan.
38	Chapter 4			. Page 4-56, Mitigation Cite or reference the standard mitigation measures in Section 4.4.

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39	Chapter 4			4.7 Visual and Aesthetic Conditions Both the DEIS and AFEIS cite the DOT criteria for determining visual impacts. I.e. Visual Impact = Visual Resource Change + Viewer Response. Based upon the response to the DEIS by interested organizations, stakeholders and concerned citizens the Viewer Response to the proposed project would have to characterized as overwhelmingly negative. Both documents characterize the Visual Resource Change as "high." Despite the viewer response to the DEIS, the FEIS softens the language of the visual impacts in some areas when it should have taken the opposite view. The environmental analysis in this section must link the visual elements of the sector development plans with the opinions of the many commenters. Describe the consistency between the visual elements of the plans and the commenter's views. Describe the project as having a significant visual impact based upon plans/policies, resource change and viewer response. The visual and aesthetic impacts of this project are "significant" in terms of context and intensity (Sec. 1508.27). As currently envisioned, these adverse effects cannot by-and-large be mitigated. The nature of the beast is that it is a beast. Please change the nature of the narrative in this section to reflect this reality. In this case the impacts are significant and mitigation efforts will be marginal at best.
40	Chapter 4			Page 4-57, fourth paragraph In the DEIS, the Waikiki Special District (Section 21-9.80) was described as being a special district related to preservation and enhancement. Is this no longer the case?
41	Chapter 4			Page 4-57, modify language "…guidance specific to transit projects. When determining visual impacts, DOT guidance requires equating the visual impact with 1. the change in visual resource or view plane, plus 2.) the viewer response. Viewer response to the visual impact in the DEIS to the proposed project was overwhelmingly negative. (followed by new paragraph)
42	Chapter 4			Page 4-63, ~~High~~ Significant Environmental Consequences This is a NEPA document. Use "significant' in place of "high." (See the discussion above on 1508.27) Describe the effects in terms of "context" and "intensity" in order to reflect CEQ language.

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43	Chapter 4			Page 4-64, The Project Viewer groups and interested individuals have weighed in their perceptions of the visual impacts of the project. Significant impacts are not a matter of conjecture. Modify the text accordingly. Page 4-65, Table 4-9 Change the measure of existing visual quality from "high" to "significant." Modify the narrative in the assessment to reflect viewer input and protections afforded by sector development plans.
44	Chapter 4			4.10 Noise and Vibration Page 4-113 Environmental Consequences and Mitigation The text must first describe the environmental consequences of the proposed project based upon FTA guidance and modeling results. Unfortunately, the Project Noise section conflates mitigation and consequences. The "integrated noise blocking parapet" is not part of an initial noise modeling assessment – it is part of the mitigation. Similarly, "wheel skirts" are not identified in the FTA guidance as part of a noise assessment – they are a mitigation measure. Both can be found in Table 6-12, Transit Sound Noise Mitigation Measures on page 6-37 of the FTA guidance. Please modify the environmental consequences section following FTA guidance. Describe predicted noise impacts from an elevated heavy rail project using standard source reference sound exposure levels found on page 6-10 of the FTA N&V guidance. Identify resources modeled where moderate or severe impacts are predicted to occur. Do not include the effects of mitigation measures in the initial computation of noise exposure levels. Modify the accompanying map accordingly. Include a map identifying the probable locations of TPSS.
45	Chapter 4			Page 4-113 First paragraph: The DEIS describes noise measurements as taking place at, "…upper floors of residential buildings with open lanais." (p. 4-99) The text here states that noise testing was done on, "…upper floors of residential buildings." Please clarify.
46	Chapter 4			Page 4-113 Under Project Noise The DEIS identifies 18 moderate noise impacts on the Airport alternative. Please explain how these 18 predicted impacts in the DEIS were reduced to three moderate impacts in the FEIS.

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47	Chapter 4			Page 4-114 Under Noise Mitigation Describe proposed mitigation measures. Identify any receptors with modeled noise impacts after mitigation. Under Noise Mitigation change language: Upon project start-up, field measurements at noise impacted (elevated?) structures will be completed. Should noise impacts exceed FTA noise impact levels, further treatment mitigation may be carried out on the receivers with the authorization of the property owners. ~~Once the Project is operating, noise levels will be re-measured to confirm that there are no project noise impacts.~~
48	Chapter 4			Page 4-117 third paragraph Explain how the Honolulu High-Capacity Transit Corridor Project Hazardous Materials Technical Report (RTD 2008i) differs from a Phase 1 Environmental Site Assessment.
49	Chapter 4			Page 4-134 second paragraph Were white terns observed in any of the trees scheduled for trimming or removal?
50	Chapter 4			Page 4-173 second paragraph The DEIS describes burials within the study corridor as "documented." Are the Native Hawaiian burials no longer documented?
51	Chapter 4			Page 4-177 Archaeological, Cultural and Historic Resources Include a discussion on the adverse effects to the Dillingham Building.
52	Chapter 4			4.18 Construction Phase Effects Change "may" to "will" and "could" to "will" in all narrative on commitments to mitigation. Identify the parties responsible for enforcing all Construction mitigation plans. The responsible party is the project sponsor not the individual contractor.
53	Chapter 4	Environmental Analysis, Consequences and Mitigation	Construction Impacts/ Mitigations	For an elevated railroad in a scenic area, it would seem that "Visual & Aesthetics" should be a major issue. While it's difficult to quantify subjective observations, such as moderate or severe effects on mauka or makai views, perhaps such degradations at receptor locations could be identified and counted. More renderings showing the changing of views could be included. Unlike impacts such as noise and vibration, mitigations are less available for visual and aesthetic effects.
54	4-6	Environmental Analysis, Consequences and Mitigation	Construction Impacts/ Mitigations	The AFEIS does not define the relocation of the Banana Patch community as an environmental justice issue. Since the community is 100% minority and relies at least partially on subsistence farming in an area with no water or sewer service, the subject of justice can only be addressed after the adequacy of compensation and accommodation or dismantlement of this community is known.

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55	4-134	4.14	Design	EPA Comments to the DEIS, dated February 12, 2009, had concerns that quantitative information was not included in the DEIS with respect to all water impacts. The AFEIS still contains no quantitative information regarding impacts to floodplains, streams, or riparian areas.
56	Chapter 05 4(f) Evaluation			Page 5-14, Ke'ehi Lagoon Beach Park Is there written concurrence from the officials with jurisdiction over the park that the project will have no adverse effect on the parks' activities, features, and attributes? Include narrative in the section. Include agreement letter in an appendix.
57	Chapter 05 4(f) Evaluation			Page 5-18, Historic Sites Identify all officials with jurisdiction.
58	5-35	Section 4F Evaluation	Design	The AFEIS presents photos showing the Dillingham Transportation Building and the outdoor plaza which connects it to the Pacific Guardian Building to its east. The guideway is planned to pass near the historic Dillingham Building but will require 2400 square feet of the lush plaza for a station entrance building. While the document discusses optional alignments, its lack of detailed plans for the station makes its arguments ineffective.
59	5-53	Section 4F Evaluation	Construction Impacts/ Mitigations	The AFEIS claims minimal visual impact when evaluating the Project's effect on views from Mother Waldron Park but ignores the devastating effects on makai views of and over the park from mid-rise structures immediately north of the guideway.
60	Chapter 06 Cost and Financial Analysis			Page 6-1, Changes to This Chapter since the DEIS This project will enter New Starts preliminary engineering prior to completion of the FEIS. The FTA letter to HRT permitting entry to PE will include descriptors of the latest information concerning cost, financing, project phasing, etc. Generally describe the stipulations in the PE letter here. If necessary, change project related capital and O&M costs throughout the chapter to reflect most recent estimates contained in the FTA letter. Based upon the contents of the PE letter, modify other chapters accordingly.
61	6-3	6.3.1	Cost	Tables 6-1 and 6-2 do not match the information provided in June 2009 to PMOC (within the SCC workbook). The differences are not significant, but the AFEIS table should contain the most current data.
62	07 Evaluation of the Project			Page 7-4, Table 7-3 Are you saying that in the no-build condition people have no "predictable travel time?" Or are you saying that people riding on fixed guideways are not subject to travel delays? Is this the best you can do to evaluate travel reliability?

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63	07 Evaluation of the Project			Page 7-4, Table 7-4 This table makes no sense since you are comparing something (station area pop. and employment) to nothing (no station areas).
64	07 Evaluation of the Project			Page 7-6, Table 7-5 Again, you are comparing something with nothing.
65	Chapter 8 Comments and Coordination			Page 8-14 8.6.6 Visual This chapter does not adequately characterize commenter's concerns regarding visual and aesthetic impacts. Modify substantially.
66	Chapter 8 Comments and Coordination			Page 8-15 8.6.7 Noise Remove the third sentence regarding bus noise.
67	Chapter 8 Comments and Coordination			Page 8-16 8.6.9 Construction Phasing The issue of construction phasing remains a concern, and FTA leadership will have to weigh in on this issue. Changes may have to be made to Chapter 2 prior to publication.
68	Chapter 8 Comments and Coordination			Third paragraph – remove the "key reason," ~~access to the maintenance and storage facility~~. The choice of the 44 acre site in Waipahu near the CC will allow for construction of phase one between Pearl Highlands and Aloha Stadium.
69	Appendix A			No additional comments
70	Appendix B			No additional comments
71	Appendix C			No additional comments
72	Appendix D			No comments
73	Appendix E			No additional comments
74	Appendix E			All references to Draft EIS, including the footer, should be updated to reflect "Final Environmental Impact Statement".
75	Appendix F			No comments
76	Appendix G			No comments
77	Appendix H			Programmatic Agreement is not included in this appendix.