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**From:** Cliff Slater  
**To:** Ryan, James (FTA)  
**Sent:** 6/15/2009 9:18:37 AM  
**Subject:** "Strict scrutiny"

Jim:

Our City administration keeps telling the City Council that the FTA is monitoring the development of the rail financial plan on an almost daily basis even though they have produced nothing for the Council since the Draft EIS. They keep talking about the FTA's "strict scrutiny" of the process. If you play this tape from the 4hrs :12mins:10secs point on you will hear the "strict scrutiny" mantra over and over.

Cliff

From [www.honolulutraffic.com](http://www.honolulutraffic.com)

June 14, 2009.

***Video now available from the last Council Meeting:***

The City Council spent a little more than an hour hearing testimony and discussing Bill 16 as it related to rail transit. As we discussed below in our July 11 post, the \$1.1 billion for rail was approved with no proviso regarding first completing the environmental process.

The Bill 16 segment of the video begins at 3hrs: 26 mins : 16 secs. and ends at 4 hrs: 35 mins: 15 secs.

Public testimony, mostly in opposition, began almost from the beginning and lasted for 33 minutes.

The last testimony was that of City Transportation Director, Wayne Yoshioka, which began at 3:59:20. Councilmember Okino began his rhetorical questioning of Yoshioka at 4:12:10 and focused on the "strict scrutiny" issue. Yoshioka maintains that the City's new financial plan (which no one else has seen) has been under the strict scrutiny of FTA and two outside FTA contractors.

We tried to make the point that strict scrutiny does not begin until entry in Preliminary Engineering and that has only just begun. Unfortunately, the public was not allowed to know about the Director's misstatement.

[Click here for the video.](#)

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