

TPE-30 Comments
Honolulu High-Capacity Transit Corridor Project ADEIS (August 1, 2008)
September 16, 2008

General Comments

Alternatives Analysis

This project is historically controversial and litigious. It is important that the environmental record accurately reflect the required NEPA process. As noted by the CEQ, the alternatives analysis section of the DEIS is the heart of the environmental impact statement. It should "...sharply [define] the issues and [provide] a clear basis for choice among options by the decision-maker and the public." (40 CFR 1502.14) Alternatives eliminated from further treatment should be briefly discussed in the DEIS including the reasons for their having been eliminated.

Several alternatives for the travel corridor were evaluated in the Honolulu High-Capacity Transit Corridor Project Alternatives Analysis Report (2006) including a TSM alternative. As a result of the AA, the Honolulu City Council selected a fixed guideway transit LPA. Under ordinary circumstances, limiting the discussion of alternatives and environmental scrutiny in the DEIS to the No-build alternative and three fixed guideway transit alternatives could be seen as meeting the criteria of "incorporating alternatives by reference" as described in 23 CFR 771.123(c).

FTA believes that in the case of a mega-project with a history of litigation, an appropriate course would be to identify an environmentally preferable alternative as required by 40 CFR 1505.2(b). The alternatives currently under review may not meet this test. The identification of an environmentally preferable alternative is not required until an environmental decision is made.

Please revise the discussion in the Preface, Executive Summary and Alternatives Considered sections with the goal in mind of identifying an environmentally preferable alternative. Presumably, the TSM alternative discarded in the 2006 AA would be the alternative with the smallest environmental footprint. Review the earlier environmental documentation for the TSM. If the TSM can meet project purpose and need, elevate the discussion of the TSM in these introductory chapters. Discuss the TSM in the fashion of environmental screening to determine if it is the alternative that will cause the least damage to the biological and physical environment. It is important that the document identify the environmentally preferable alternative.

Project Phasing

According to the ADEIS narrative and Figure 2-42, HTS wishes to advance the project in five phases. The first two phases would be constructed in a largely uninhabited area from 'Ewa to Pearl City. This appears to meet the project purpose and need and more specifically the goal to "improve access to planned development." (p. 1-20) We note that project construction on Phase 1 is to begin in 2009, and Phase 2 will not be completed

until 2014. With the completion of Phase 2 project ridership and user benefits will (apparently) be negligible, and it is not until scheduled completion of the 3rd phase of the project in 2017 from Pearl Highlands to Aloha Stadium that HTS can expect reasonable ridership.

While the study corridor (Ewa to Ala Moana Center) contains approximately 50 activity centers, fewer than one-half dozen activity centers (see Figure 1-4 Activity Centers) are contained in the first two phases. Moreover, Figure 4.2 (p. 4-11) shows that future land use in the area of the three western-most stations is planned as low-density residential – hardly supportive of an elevated LRT. Based upon Figure 1-6, Employment Distribution for Oahu, there are currently around 20,000 jobs in the Phases 1 & 2 area, excluding Pearl City. Every individual employment district in Phases 3-5 either approximates or greatly exceeds all of the employment in the four employment districts of Phases 1 and 2. Projected 2030 employment in these sectors is hardly enough to inspire confidence.

Note that in the Daily Transit Trips summary (p. 1-11), the highest concentrations of transit dependant households are contained in the corridor's eastern portion of Phase 4 and all of Phase 5 – the very last to be served by the proposed project are those that are most in need of equity considerations. However, Phases 1, 2 and 3 will feature a total of four park-and-ride facilities that, "...would have the highest demand of people driving to access the fixed guideway system." (p.3-35) So, Phases 1-3 would serve highest income (Table 4-8), lowest ridership areas first, leaving areas with the highest concentration of households with no vehicles (Fig. 4-15) to be served at project completion.

One of the four goals and objectives of this project is to "improve transportation equity". (p. 1-21) Based upon proposed project phasing, transportation equity appears to be the lowest of priorities. A reading of the Highway Traffic Operating Conditions (p. 1-15) indicates that congested traffic conditions with LOS failures occur most frequently in the easternmost areas of the corridor where it is most necessary to "improve corridor mobility" and "improve corridor travel reliability" – two of the other major goals of the project. Those people most in need of public transit in the most congested area of the City will be served in 2018 while HTS plans an initial huge capital expense from 2009 to 2014 for what amounts to a demonstration project.

Reasonable project planning would identify the need for a maintenance facility as a requirement to initiate project construction. HTS appears to have met this requirement by siting the maintenance facility near Pearl Highlands. Unfortunately, HTS then proposes to initiate project construction to the west - a solution to problem where none exists. Good planning practice would dictate that the initial project phases should not simply address land development opportunities, but should address the three other project goals and objectives: improve corridor mobility, improve corridor travel reliability and improve transportation equity. Good planning practice would dictate the following:

- Phase 1 – Leeward Community College to Aloha Stadium
- Phase 2 – Aloha Stadium to Kapolana
- Phase 3 – Kapolana to Ala Moana
- Subsequent phases

Expand the Project Phasing discussion.

- Discuss how Phases 1 and 2 meet the four goals of the project
- Discuss the alternative phasing suggested above and how such phasing would meet the goals of four goals the project
- Discuss proposed local and federal expenditure in regards to project phasing

Please note that FTA will specifically request public comment on proposed project phasing.

Logical Termini

Please note that per FTA guidance for Environmental Impact and Related Procedures, 23 CFR 771.111(f)(1), the action evaluated in each EIS shall “connect logical termini and be of sufficient length to address environmental matters on a broad scope.” The East Kapolei terminus is one mile short of two population centers. It is entirely unclear from the document how East Kapolei is a logical terminus inasmuch as there is no population or employment there now and it appears that there will be little in the way of population or employment there when Phase 1 is completed in 2014.

- Discuss existing land-use for the East Kapolei area and why this is a logical terminus.
- Discuss land-use sector development plans for the East Kapolei area and why this is a logical terminus.

Specific Comments

Chapter 02

Alternatives Considered

Expand the Project Phasing section. Address all of the issues mentioned above particularly project goals and objectives.

- Use Summit modeling with the goal in mind of demonstrating user benefits for each subarea.

p. 2-35

Expand the discussion of environmental impacts of the vehicle maintenance and storage facility and the traction powered substations. Use maps as necessary.

Chapter 04

Environmental Analysis, Consequences and Mitigation

4.1 Land Use

p. 4-12 The Future Land Use Plans and Policies section mentions three statewide and local plans that call for the promotion of transit-supportive development and objectives. Text states that the project is consistent with these local and state transportation plans as well as the land use policies. Note the general comments above on project phasing and logical termini.

- Expanding on the “Ewa Development Plan” area in Figure 4-2, and demonstrate through graphics and narrative how project-related TOD would be supported by adopted future land use plans.

4.4 Community Services and Facilities

p. 4-3 In the Community Facilities narrative, identify the types of facilities that would be displaced. 1 “what” would be displaced by the project? 14 “what” would be partially acquired?

4.5 Neighborhoods

The intent of this discussion should be to identify adverse impacts on neighborhoods. This section concludes with the determination that there are no adverse effects on any neighborhoods. The most geographically distinct neighborhood – the Banana Patch – would be effectively extirpated by the project.

- Discuss the nuances of the Banana Patch neighborhood.
- Discuss impacts and propose mitigation.

4.6 Environmental Justice

On March 28, 2006, FTA HQ, TRO-9, HTS and its consultants had a conference call to discuss the general approach to the environmental justice issue in a majority-minority area such as Oahu. HTS was to “...focus more on linguistically isolated and low-income populations, and secondary assessment analysis to determine communities of concern.” FTA also expressed its concern that smaller communities within census tracts could be overlooked.

- Using the methodology developed for the evaluation, determine if the Banana Patch community can be defined as a “low-income or minority population.”
- Discuss the particulars of the Banana Patch community either in the Environmental Justice section.

Recall that improving transportation equity is one of the four goals and objectives of the P&N for this project.

- Discuss the various project phases in relation to which socio-economic groups will benefit first. Which socio-economic groups will benefit last.
- Discuss how spending hundreds of millions of dollars in a green-fields for a demonstration project while the most disadvantaged population has to wait 10 years for improved transit service could be perceived to be an economic justice impact and yet still meets the projects purpose and need.

p. 4-49 Note that the Alpha Omega Christian Fellowship is in the Banana Patch, a geographically identifiable, isolated (possibly low-income) neighborhood scheduled for demolition. The Banana Patch is an EJ neighborhood.

4.7 Visual and Aesthetic Conditions

The Mitigation sub-section (p. 4-87) discusses ongoing consultation with the public and local design community as a mitigation measure. This consultation should be formalized

in a group of interested stakeholders that meets with some degree of regularity under HTS auspices to discuss design issues.

- Formally establish a local group made up of interested and members of the public to advise on aspects of project design visual mitigation. The advisory team may include members of neighborhood associations.

4.9 Noise and Vibration

Note that FTA N&V guidance requires that all noise impacts be identified in the DEIS and a list of proposed mitigation measures may be proposed. Adequate mitigation measures must be identified in the FEIS.

- Update the N&V Technical Report and send to HQ for review.
- Modify the N&V section as follows.

p. 4-93

The ADEIS and the N&V technical documentation incorrectly characterize FTA definition of a “severe” noise impact. The documentation states that “noise mitigation will normally be specified for severe impact areas unless there is no practical method of mitigating noise.” Similarly, the description of a “moderate” noise increase does not accurately reflect the intent of language in the FTA’s N&V guidance.

- Please review §3.2.4 of FTA’s N&V guidance (2006) and modify language in the document regarding noise mitigation policy considerations.

p. 4.94

Please state that all noise measurements used to determine baseline noise levels in the corridor were taken at ground level. If measurements were taken at elevation, please describe locations and separate ground level background level measurements from elevated measurements. Note that FTA guidance says nothing about “open windows” as being necessary for noise impacts to occur. The presence of a receptor is all that is necessary.

- Modify the section accordingly.

4.9.3; Environmental Consequences and Mitigation

p. 4-95

No Build Alternative

- After the introductory sentence, simply state that no noise impacts are predicted for the No Build Alternative.

p. 4-95

Mitigation Common to all Alternatives

Do not conflate environmental impacts with mitigation. For example, Figures 4-39 through 4-42 imply that noise impacts would be minimal; post-mitigation, this may indeed be the case. However, the purpose of the DEIS is to demonstrate probable impacts.

- Clearly demonstrate the noise impacts of the project under Environmental Impacts.

- Follow that with a demonstration of possible mitigation measures and demonstrate the degree of mitigation employing those measures.

In the Environmental Consequences section, include a table showing: distinct areas of noise impacts; category (1,2 or 3) of receptors; number of impacted receptors; existing noise level; projected project noise level and degree of noise impact (moderate or severe).

- Describe elevation of impacts.

Use language from the N&V Technical study; first bullet, page S-3 and state, “The LRT and rapid rail technologies would generate severe and moderate noise impacts. The Airport & Salt Lake Alternative with planned extensions employing LRT or rapid rail would result in 399 moderate and 236... etc”

In the Environmental Mitigation section, include a table showing: distinct areas of noise impacts after mitigation; category (1,2 or 3) of receptors; projected project noise level after mitigation and degree of noise impact after mitigation (moderate or severe).

- Describe elevation of impacts and type of mitigation.
- Modify description of ground-level in other areas of the document (e.g., p. 7-8) as appropriate.

p. 4-96

Add pertinent language from “Build Alternatives” on page S-4 of the N&V technical doc., “In areas with high rise apartments and hotels...” Note that “...a detailed analysis of the noise barrier design...” must be undertaken as a part of project preliminary engineering and completed as a part of the FEIS process.

- Noise impacts to elevated structures must be estimated as part of the DEIS process and appropriate mitigation determined in the FEIS and contained in the ROD.
- Remove language about “open windows” and include language reflecting FTA’s N&V guidance on adjacent noise receptors.

4.10 Energy and Electric and Magnetic Fields

Adverse impacts are determined and evaluated in the DEIS. Table 4-17 identifies the location of potential EMF receptors within 200 feet of the project.

- Determine if EMF will affect any sensitive receptors adjacent to the project.

4.13 Water

There is no discussion of the determination of jurisdictional wetlands. Information should be developed that includes a formal jurisdictional delineation of wetlands, functional assessment of those wetlands and mitigation proposals. HTS submits a permit to the USACE, which initiates a public comment period, and notifies US EPA of the application. US EPA reviews the application and has the authority to deny a permit.

- Discuss in the DEIS wetlands delineation. Assess wetlands function. Notify ASACE of your wetlands determination.
- In the event of sufficient wetlands impact, HTS must apply for a 404 Permit prior to completion of the FEIS.

4.15 Archeological, Cultural and Historic Resources

(general comment) A review of the Historic Resources Technical Report (Section 2.2 Coordination to Date) reveals that while HTS has been in contact with SHPD staff and SHPD staff have visited the alignment, there is no indication that SHPD has agreed with either the methodology used by HTS to determine historic significance or integrity or that SHPD has agreed to the extent of the APE. The purpose of the DEIS is to, at the very least, determine eligibility of resources.

- While an effects determination can be made during FEIS preparation, eligibility and preliminary effects determination must be made by the SHPD for DEIS circulation.

4.16 Construction Phase Effects

p. 4-142;

Add language: “As a pre-construction activity, HDT commits to requiring its project contractor to create and carry out a Construction Noise and Vibration Mitigation Plan using mitigation strategies to be defined in the FEIS and committed to in the Record of Decision. The plan will be developed with the active participation of all of the affected municipalities. Construction noise and vibration monitors may be included as a part of this plan.”

4.18 Anticipated Permits and Approvals

Be sure that NPS (Washington DC office) receives a copy of the DEIS.

Chapter 05

Section 4(f) Evaluation

p. 5-11

In the case of Ke’ehi Park Lagoon, the view of the City Department of Parks and Recreation (DPR) notwithstanding, FTA would not agree that the impacts here are *de minimis*. If the applicants were willing to demonstrate that they rigorously reviewed other possible alternatives to the Ke’ehi Park alignment, FTA might be willing to approve the alignment based upon 23 CFR 774.3 (a) (1) and (2). In addition, as mitigation, the applicant’s would be required to demonstrate that they have adequately compensated the DPR for its lost resource.

- Demonstrate that there are no prudent and feasible avoidance alternatives to the use of the Ke’ehi Park lagoon property.
- Demonstrate that HTS has carried out all possible planning to minimize harm to the property.

p. 5-13

Include photos of 106 and 4(f) resources with adverse effects. When the SHPD completes his adverse effects determination, add photos and narrative as necessary.

p. 5-20

The proposed Downtown Station landing adjacent to the Dillingham Building is not acceptable for two reasons. First it increases the negative impacts to the Dillingham building which already suffers visual impacts, and secondly it completely changes the character of a unique urban space turning it from an urban refuge to a high capacity pedestrian passageway. FTA recommends moving the station landing to Alakea Street

p. 5-21

After thoroughly reviewing Section 05 and seeing the proposed project corridor, it is inconceivable that no “constructive use” impacts are identified, particularly those impacts related to impairment of aesthetic features. As with the Banana Patch neighborhood, this raises the issue of a possible “blind-eye” approach to the entire 4(f) analysis regarding constructive use. Relative to aesthetic impairment and ecological intrusion, these are more qualitative constructs than N&V impacts and obvious access restrictions. Nevertheless, the constructive use issue needs to be addressed seriously in the document.

In “constructive use” discussion on page 5-22, the author’s state that, “changes in the views of (Neal S. Blaisdell and Mother Waldron Parks) would not constitute (visual) impacts so severe as to substantially alter recreation use of the properties.” This sentence demonstrates a misunderstanding of “constructive use” as it relates to aesthetic impairment of a 4(f) resource. Proper evaluation of a visual impairment requires a degree of delicacy not apparent in the discussion of this section. Constructive use may imply passive degradation as well as active alteration. Please read 23 CFR 774.15 Constructive Use Determinations.

- Go back to the drawing boards on “constructive use” and become familiar with “visual intrusion as substantial impairment”.
- In a table, describe possible conditions of “constructive use” for each 4(f) property.
- Include a high resolution map of all adjacent 4(f) properties with particular emphasis on the parks and the parks functional use.

P. 5-21

The first sentence of the Constructive Use section mischaracterizes the definition of “constructive use.” The rest of the paragraph is a tautological construct that eliminates the possibility of “constructive use” in this project. Please allow other interested parties to weigh in on no effect and no adverse effect questions.

- Redefine “constructive use”
- Use the words “substantial impairment” when discussing “constructive use”, not “severe impacts” or “alteration.”

p. 5-20

To further belabor the issue of “constructive use”; in the discussion of 4(f) impacts on the Dillingham Building there is no mention of this type of impacts yet it is clear that a massive elevated structure several feet away from an historic building constitutes a visual impact. In the absence of “constructive use” would you say that this constitutes a direct use?

Chapter 07

Evaluation of Alternatives

Fully discuss the TSM alternative in this chapter.

Please note that HTS Summit modeling and associated ridership and user benefits information has not been reviewed and approved by FTA.

- Important: when discussing such ridership benefits, particularly in tables or graphics, note for the record that “FTA has not reviewed or approved this ridership data.”

p. 7-4

In the discussion on improving access to planned development, discuss travel time savings in the East Kapolei to West Loch segment as a percentage of total project travel time savings. Discuss travel time savings of park-and-ride patrons.

- Use Summit modeling to identify how transit trips and user benefits meet the goal of supporting planned development.

In the discussion on improving transportation equity, equity is described as “a fair distribution of the project’s benefits and impacts.” Improving equity can also imply remedial justice in the form of delivering a larger share of benefits to disadvantaged populations. In the discussion on improving transportation equity, discuss travel time savings in the Aloha Stadium to Ala Moana segments as a percentage of total project travel time savings.

- Identify “community of concern” as transit-dependant population.

Discuss access by transit dependant populations as “walking distance” to stations.

- Use Summit modeling to identify how transit trips and user benefits meet the goal of improving equity for transit-dependant populations.

p. 7-6

Remove this “island-wide” user benefits map. It is inaccurate and misleading. Remove discussion of benefits to “island-wide” population. FTA discusses “user benefits” in a defined transportation corridor. User benefits outside the defined ridership area are typically discounted.

- Employ a user benefit map of the corridor proper.
- Use standard Summit modeling to display user benefits.

p. 7-9

Table 7-7 is misleading. “Dollars per hour” should be relabeled “cost per hour of transportation system user benefits.”

Chapter 08

Public Hearings

One formal public hearing on the DEIS should be held in the Banana Patch neighborhood with FTA staff in attendance.