



Federal Transit Administration

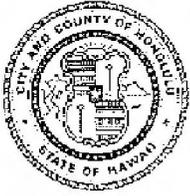
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For more information please contact:
Theresa Tunnell, theresa.tunnell@dot.gov



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

June 2, 2009

The Honorable Roy Kientz
Undersecretary for Policy
United States Department of Transportation
West Building, 8th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Draft Environmental Impact Statement (DEIS) for Honolulu High-Capacity
Transit Project

Dear Mr. Kientz:

The undersigned are Members of the City Council of the City and County of Honolulu (CCH) of the State of Hawai'i. As elected representatives of our Districts, we have responsibilities that require us to ensure that public funds – regardless of their source – are expended wisely and to safeguard our constituents from tax burdens that otherwise could be avoided through good governance.

At the present time, the Honolulu City Council is being asked by the City Administration to approve an appropriation for the forthcoming 2010 fiscal year (July 1, 2009 – June 30, 2010) of over \$1 billion in local funds to initiate construction of a 6.5 mile-long segment of the proposed Honolulu High-Capacity Transit Corridor (HHCTC) Project. The City Administration has requested this authorization by the City Council in advance of the publishing of a Final Environment Impact Statement (FEIS) for the Project or the issuance of a Record of Decision (ROD) by the Federal Transit Administration.

The HHCTC Project, as proposed by the City Administration as a candidate for Federal financial assistance, involves the construction of an all-elevated electric railway using automated light

metro technology, extending for 20.5 miles along the Leeward side of the island of O'ahu between East Kapolei and Ala Moana Center. The currently anticipated implementation cost of the Project is \$5.4 billion with a forecasted completion date in late 2018.

DEIS Process and Content

The HHCTC Project was the subject of a Notice of Intent to Prepare an Environmental Impact Statement for High-Capacity Transit Improvements in the Leeward Corridor of Honolulu, HI published in the Federal Register on Thursday, March 15, 2007 (Volume 72, No. 50, Pages 12254-12257, copy attached hereto). Subsequently, the City Administration prepared a DEIS for the Project, submitted it to the Federal Transit Administration for review, and published that document for the mandatory period for receipt of comments and written statements that ended on February 6, 2009.

The NOI (Summary, Page 12254) specifically states that:

"The Federal Transit Administration (FTA) and the City and County of Honolulu, Department of Transportation Services (DTS) intend to prepare an EIS on a proposal by the City and County of Honolulu to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Manoa with a branch to Waikiki. Alternatives proposed to be considered in the draft EIS and two Fixed Guideway Transit alternatives."

The NOI (V. Alternatives, Page 12256) also states that:

"Fixed Guideway Alternatives, which would include the construction and operation of a fixed guideway transit system in the corridor between Kapolei and UH Manoa with a branch to Waikiki. The draft EIS would consider five distinct transit technologies: Light trail [sic] transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system."

Our concern is that the DEIS does not conform with its intent as stated in the Federal Register, which we understand to be legally-binding on the parties that published the notice. Specifically, the document addressed only the following alternatives:

- No Build Alternative
- Fixed Guideway Transit Alternative via Salt Lake Boulevard (Salt Lake Alternative)

- Fixed Guideway Transit Alternative via the Airport (Airport Alternative)
- Fixed Guideway Alternative via Airport and Salt Lake (Airport & Salt Lake).

Our understanding of the applicable environmental law is that, in order to be compliant with the National Environmental Protection Act (NEPA), the DEIS should have provided the public with an equal evaluation of all five technologies identified in the relevant NOI and contained a ranking of their comparative benefits and impacts to Honolulu, so as to enable the selection of a "best fit" technology after comments and statements concerning its contents were received and evaluated by both CCH and FTA.

Instead, each of the Fixed Guideway Transit Alternatives discussed in the DEIS for the HHCTC Project was based on an elevated railway using automated light metro technology, a form of rail rapid transit that requires full grade-separation. In particular, the DEIS failed to provide the public with information concerning the environmental characteristics of the other four transit technologies – light rail transit, bus rapid transit, magnetic levitation and monorail – as called for by the relevant NOI.

We also wish to point out that while the Locally Preferred Alternative approved by the Honolulu City Council in December 2006 is identified in its entirety in the HHCTC Project DEIS – from Kapolei to UH Manoa with a branch to Waikiki, which would involve approximately 29 miles of railway -- the DEIS only addressed 20 miles (by either of two routing alternatives) between East Kapolei and Ala Moana.

Despite being identified in the NOI, we believe that the branch out to Waikiki was intentionally left out of the DEIS by the City Administration to avoid having to address the negative environmental impacts in the document and to avoid having critical comments entered into the record of the DEIS hearings and comment period. The Waikiki community will not allow an elevated railway to overshadow its avenues; this is because its residents and businesses understand that it would severely damage the environment and destroy the visual beauty which attracts visitors to Hawaii.

Action Requested: Inasmuch as none of the alternatives contained in the DEIS addressed the environmental impacts of the five technology options for the HHCTC Project called for by the relevant NOI, we hereby request a formal finding by USDOT as to whether or not the DEIS for the HHCTC Project as prepared by CCH/DTS was compliant with the National Environment Protection Act.

Environmental Protection Agency Letter to Federal Transit Administration

With regard to NEPA compliance, we also wish to draw your attention to a letter sent by Region IX EPA to Region IX FTA concerning the DEIS for the HHCTC Project. This letter, dated February 12, 2009 (copy attached hereto) states:

"While EPA supports the goal of providing transportation choices to the communities of O'ahu, we have some concerns related to wetlands, water quality, environmental justice, and noise impacts. EPA has rated this document EC-2, *Environmental Concerns, Insufficient Information*."

In addition, both in its letter to FTA and in its detailed comments on the subject DEIS, EPA stated:

"While we believe that most of the alternatives eliminated prior to the DEIS are documented sufficiently, we have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS."

Region IX EPA made the following recommendation to FTA:

"Include additional information in the FEIS explaining why light rail or bus rapid transit in an exclusive right-of-way were not considered to be reasonable alternatives and were therefore not reviewed in the DEIS. If these technologies may have resulted in fewer environmental impacts, further justification is warranted to substantiate why those less damaging alternatives were not carried through for consideration."

These statements by Region IX EPA are germane to criticisms to the DEIS for the HHCTC Project made in numerous verbal comments and written statements during the review period that ended on February 6, 2009, six days before the date of EPA's letter.

It is our understanding that, in order to be compliant with NEPA, the DEIS for the HHCTC Project should have provided the public with an equal evaluation of all five technologies identified in the relevant NOI. This evaluation, we believe, should have contained a ranking of their comparative benefits and impacts, so as to enable the selection of a "best fit" technology for Honolulu after all comments and statements concerning the DEIS were evaluated by both CCH and FTA.

Instead, the City Administration chose to have the DEIS compare the “worst” impacts of the “worst case” technologies (for example that magnetic levitation would be the “loudest” technology) and then constructing comparative tables noting these impacts but without also addressing the “least adverse” or “beneficial” impacts of each of the technologies.

The only alignments for the transit corridor discussed in the DEIS were those that fit an elevated railway. All benefits and impacts were assumed to fall within this corridor alone, as opposed to evaluating benefits and impacts in alternative corridors suitable for non-elevated transit system technology options, such as light rail transit and bus rapid transit.

As Region IX EPA suggested in its letter, the approach taken by the City Administration entirely misses the opportunity implicit in the EIS process to discover the “best fit” technology choice for Honolulu, which might mean a compromise between maximum possible station-to-station schedule speed over the full length of the HHCTC Project and the environment, aesthetic, commercial, social and historic impacts to the city, its residents and its business community.

Action Requested: We request USDOT to coordinate FTA’s actions concerning the DEIS for the HHCTC Project with the EPA to ensure that they adhere to both NEPA and the relevant NOI. We also request that USDOT, using its responsibility and authority under NEPA, take steps that ensure that the numerous comments and statements critical of aspects of the HHCTC Project, in particular those concerned about the negative impacts of constructing and operating an elevated railway through environmentally sensitive commercial, recreational and residential areas of Honolulu, are addressed in an objective and meaningful manner, as required by the National Environmental Protection Act and implementing regulations issued by EPA and FTA. If in addressing the comments the conclusion is reached that the project should be changed to light rail technology that can accommodate both elevated and at-grade operations, we request that USDOT ensure that the HHCTC Project is changed accordingly.

Other Pertinent Information

Statements Made by Honolulu City Administration to Honolulu City Council

The Honolulu City Administration has told the Honolulu City Council, as well as the local news media and the public, that approval by FTA of the Final Environmental Impact Statement (FEIS) for the HHCTC Project will be forthcoming in the near future, inasmuch as “There are no significant problems with the DEIS or the Project,” and that issuance of an Record of Decision (ROD) qualifying the Project for Federal financial assistance will follow in short order. The City

Administration also has advised the City Council that CCH has been assured that it is "in line for up to \$1.4 billion in Federal grants under the New Starts program," although no written evidence of this claim has been provided to us.

City Administration Claims that "It's Too Late to Consider Technology Alternatives"

Notwithstanding the fact that Section II. **Scoping** of the relevant NOI (Page 12255) states:

"Comments on the alternatives should propose alternatives that would satisfy the purpose and need at less cost or with greater effectiveness or less environmental or community impact and were not studied or eliminated for good cause. At this time comments should focus on the scope of the NEPA review and should not state a preference for a particular alternative. The best opportunity for that type of input will be after the release of the draft EIS."

The City Administration steadfastly maintains that, because the FTA approved public release of the DEIS for the HHCTC Project, "it is too late to consider technology alternatives" that were commented upon or recommended during the review period.

Many of our constituents, including parties that submitted verbal comments or written statements during the mandatory review period, believe that they are being "stone-walled" by the City Administration in violation of NEPA, implementing EPA and FTA regulations, and the NOI governing the intended content of the DEIS for the HHCTC Project. As elected City officials, we too have experienced similar responses from the City Administration when raising questions about the HHCTC Project, and are obliged by our fiduciary duty to our taxpayers to bring this to your attention.

Hostility Expressed by City Administration to Criticisms of HHCTC Project

Only recently did it become public that over 600 comments were received by CCH and FTA concerning the DEIS. When initially asked about releasing the comments and statements, the City Administration resisted and stated that while they could, many of the comments would raise undue concern over issues that would be addressed in the FEIS and that the comments and statements would be released with the FEIS. Only after insistence by members of the City Council and threats by the news media that they were prepared to institute actions under Freedom of Information laws, were the documents released. This is clearly indicative of the attitude of the City Administration towards its legal responsibility to address these comments in an objective and meaningful manner.

Increasingly, the public has become aware of the negative impacts that would be caused by construction and operation of an elevated railway in certain areas of the city (that can only operate in a secured or grade separated right-of-way due to the required third rail along the tracks), notably in the Primary Urban Core extending from the Kalihi and Iwilei neighborhoods through Downtown to Kaka'ako and Ala Moana. Concerns also are being expressed to us about the environmental impacts of planned future extensions of the HHCTC Project – which were not addressed in the DEIS – into the McCully, Mo'ili'ili, University of Hawaii and Waikiki neighborhoods, as well as from East Kapolei, located on former agricultural lands in the Ewa region, into the heart of Kapolei.

These concerns have resulted in a well-spring of public support for the use of more flexible light rail transit technology, which would permit different segments of the HHCTC Project to be constructed at-grade on private rights-of-way, in highway medians, on exclusive transit-only lanes or in mixed traffic along city streets, as well as on elevated structures. We are advised by one of the parties that submitted a written statement during the DEIS comment period that its findings are that as much as forty-five percent (45%) of the Project can be brought to grade through the use of light rail transit technology, resulting in a reduction in implementation costs in the range of \$2 billion. The City Administration not only expresses no interest in exploring this alternative, which we believe would enhance the HHCTC Projects potential for receiving a favorable rating under the New Starts Criteria, but has reacted in a hostile manner to those advancing this viewpoint.

While anonymous, we believe that USDOT will be interested in the attached electronic media report distributed on May 1, 2009 by Ian Lind OnLine. In this report, the head of one of Honolulu's pre-eminent architectural firms (who has been vocal in his criticisms of the HHCTC Project and was active in the preparation of a written statement entered into the DEIS record by the Honolulu Chapter of the American Institute of Architects) was quoted as saying

“More than once I've been threatened that I'll never work in this town again,” he said. The mayor is intimidating architects to shut them up.”

City Administration's Rush to Lock-In the Technology

Within a few weeks following the close of the DEIS comment period on February 6, 2009, the City Administration began to take steps to lock-in the use of automated light metro technology for the HHCTC Project. It attempted to do so has the following manner:

- 1) By issuing the following Requests for Proposals (RFPs) for infrastructure construction and equipping, including acquisition of rolling stock, of an elevated railway between East Kapolei and Pearl Highlands:
 - RFP-DTS-90015 West Oahu/Farrington Highway Guideway Design-Build Contract, released to potential bidders on March 12, 2009;
 - RFP-DTS-98143 Core Systems Design-Build-Operate-Maintain Contract, released to potential bidders on April 17, 2009; and
 - RFP-DTS-213102 Maintenance and Storage Facility Design-Build Contract, released to potential bidders on May 29, 2009.

- 2) By misstatements made by the City Administration that the decision to move forward with an all-elevated fixed guideway was already made. In reality, none of the relevant documents – City and County of Honolulu Ordinance 07-001 selecting a Fixed Guideway Transit System for the Locally Preferred Alternative, the Mayor's notification to the City Council of his selection of Steel Wheel-on-Steel Rail guidance technology for the HHCTC Project, and the vote of the electorate in favor of Steel Wheel-on-Steel Rail -- require the HHCTC Project to be a fully grade-separated elevated railway:
 - Part I, Section 2 of City and County of Honolulu Ordinance 07-001, adopted by the Honolulu City Council on December 22, 2006, and approved by the Mayor on January 6, 2007, states "the locally preferred alternative for the Honolulu High-Capacity Transit Corridor Project shall be a fixed guideway system between Kapolei and the University of Hawaii at Manoa, starting at or near the intersection of Kapolei Parkway and Kalaeloa Boulevard..." (Document attached hereto.)
 - **Section 6 Reservation of the right to select technology**, states that "The council reserves the right to select the technology of the fixed guideway system for the locally preferred alternative. If the council exercises the right, the council shall select the technology through subsequent ordinance passed on third reading by the council before the city administration issues a public notice soliciting proposals or inviting bids for work that includes design of the system.

The city administration shall give the council at least 90 days' notice before issuing the first public notice soliciting proposals or inviting bids for work that includes design of the fixed guideway system."

- Letter dated April 17, 2008, from Mayor Mufi Hannemann to Council Chair Barbara Marshall, announcing the Mayor's "...decision to proceed with the technology selection of Steel on Steel for the Honolulu High-Capacity Transit Corridor project."

The letter further states, "therefore, I have instructed the Department of Transportation Services to proceed with the steel technology as selected by the expert panel in the preparation of the draft Environmental Impact Statement, Preliminary Engineering, the final Environmental Impact Statement and other necessary documents as required or requested by the FTA and the State.

Additionally, pursuant to the second proviso included in Ordinance 07-001, PART III, Section 6, I am notifying the Council that I am issuing the first notice soliciting proposals for work that includes design of the steel on steel fixed guideway system after 90 days from the date of this letter." (Document attached hereto.)

- On November 4, 2008, by a vote of 52.57% for and 47.43% against, the voters of the City and County of Honolulu approved an amendment to the Honolulu City Charter which asked, "Shall the powers, duties, and functions of the city, through its director of transportation services, include establishment of a steel wheel on steel rail transit system?"
- 3) Statements by members of the City Administration that at various public hearings and meetings that "The decision has already been made" and "There will be no turning back." For example, at a City Council Budget Committee hearing held on May 18, 2009, as part of his testimony, the City's Director of Transportation Services stated, "We will do anything that it takes to start building the rail project by the end of this year."

SUMMARY

In his confirmation speech, the Secretary of Transportation said,

"In our surface transportation programs, it implies a commitment to the principles that some refer to as livability; that is, investing in a way that recognizes the unique character of each community. The era of one-size-fits-all transportation projects must give way to one where preserving and enhancing unique community characteristics, be they rural or urban, is a primary mission of our work rather than an afterthought."

As Members of the Honolulu City Council, we share the Secretary's viewpoint. The people of Honolulu want and need improved public transportation, and we respect the November 2008

vote for a steel on steel transit system. At the same time, citizens want a transit system that will serve them and their needs, is sensitive to our natural environment, supports our tourism industry, and will not financially strap our future generations.

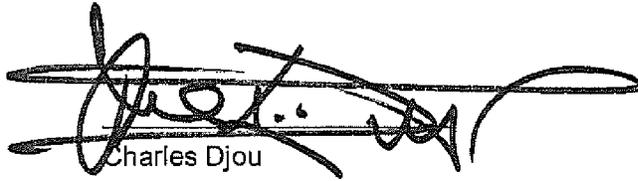
We believe that there is no reason to spend more money to build, operate and maintain a transit system that neither serves the people nor creates a more livable city. Honolulu, like the rest of Hawaii, is rooted in deep respect for the *aina* (land) and environment; preserving and enhancing the unique characteristics of our community cannot be ignored in the rush to build a transit system.

We have the opportunity to go a long ways in solving our transportation problems, while still protecting our lifestyles, if and only if, all transit alternatives are given a full and fair consideration. We are only requesting that light rail at-grade and elevated be examined as an alternative to all elevated system as currently pursued by the City Administration, and that money not be spent for preliminary engineering or construction until this evaluation is complete. It is for this reason that we bring this matter to your attention.

Respectfully,



Duke Bainum
Honolulu City Councilmember
District 5



Charles Djou
Honolulu City Councilmember
District 4

Copies to:

The Honorable Ray H. LaHood, Secretary of Transportation
United States Department of Transportation
West Building, 9th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable John D. Pocari
Deputy Secretary of Transportation
West Building, 9th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Peter M. Rogoff, Administrator
Federal Transit Administration
East Building, 5th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Matt Welbes, Acting Deputy Administrator
Federal Transit Administration
East Building, 5th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

Attachments

- 1) Federal Register, Thursday, March 15, 2007, Volume 72, No. 50, Pages 12254-12257
- 2) Letter from Region IX EPA to Region IX FTA Concerning the DEIS for the HHCTC Project, Dated February 12, 2009
- 3) Ian Lind OnLine, May 1, 2009 (<http://www.ilind.net>)
- 4) City and County of Honolulu Ordinance 07-001
- 5) Letter from Mayor Mufi Hannemann to Council Chair Barbara Marshall, Regarding the Selection of Technology for the HHCTC Project

[Federal Register: March 15, 2007 (Volume 72, Number 50)] [Notices] [Page 12254-12257] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr15mr07-124]

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Intent To Prepare an Environmental Impact Statement for High- Capacity Transit Improvements in the Leeward Corridor of **Honolulu**, HI

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA) and the City and County of **Honolulu**, Department of Transportation Services (DTS) intend to prepare an EIS on a proposal by the City and County of **Honolulu** to implement a fixed-guideway transit system in the corridor between Kapolei and the University of Hawai'i at Manoa with a branch to Waik'ik'i. Alternatives proposed to be considered in the draft EIS include No Build and two Fixed Guideway Transit alternatives.

The EIS will be prepared to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations. The FTA and DTS request public and interagency input on the purpose and need to be addressed by the project, the alternatives to be considered in the EIS, and the environmental and community impacts to be evaluated.

DATES: Scoping Comments Due Date: Written comments on the scope of the NEPA review, including the project's purpose and need, the alternatives to be considered, and the related impacts to be assessed, should be sent to DTS by April 12, 2007. See **ADDRESSES** below.

Scoping Meetings: Meetings to accept comments on the scope of the EIS will be held on March 28 and 29, 2007 at the locations given in **ADDRESSES** below. On March 28, 2007, the public scoping meeting will begin at 6:30 p.m. and continue until 9 p.m. or until all who wish to provide oral comments have been given the opportunity. The meeting on March 29, 2007 will begin at 5 p.m. and continue until 8 p.m. or until all who wish to provide oral comments have been given the opportunity.

The locations are accessible to people with disabilities. A court reporter will record oral comments. Forms will be provided on which to submit written comments. Project staff will be available at the meeting to informally discuss the EIS scope and the proposed project.

Governmental agencies will be invited to a separate scoping meeting to be held during business hours. Further project information will be available at the scoping meetings and may also be obtained by calling (808) 566-2299, by downloading from <http://www.honolulutransit.org>, or by e-mailing info@honolulutransit.gov.

ADDRESSES: Written comments on the scope of the EIS, including the project's purpose and need, the alternatives to be considered, and the related impacts to be assessed, should be sent to the Department of Transportation Services, City and County of **Honolulu**, 650 South King Street, 3rd Floor, **Honolulu**, HI 96813, Attention: **Honolulu High- Capacity Transit Corridor Project**, or by the Internet at <http://www.honolulutransit.org> .

The scoping meetings will be held at Kapolei Hale at 1000 Uluohia Street, Kapolei, HI 96707 on March 28, 2007 from 6:30 p.m. to 9 p.m. and at McKinley High School at 1039 South King Street, **Honolulu**, HI 9814 on March 29, 2007 from 5 p.m. to 8 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Turchie, Federal Transit Administration, Region IX, 201 Mission Street, Room 1650, San Francisco, CA 94105, Phone: (415) 744-2737, Fax: (415) 744-2726.

SUPPLEMENTARY INFORMATION:

I. Background

On December 7, 2005, FTA and DTS issued a notice of intent to prepare an Alternatives analysis followed by a separate EIS. The TS has now completed the planning alternatives analysis and, together with FTA, is proceeding with the NEPA review initiated through this scoping notice.

The planning Alternatives analysis, conducted in accordance with 49 United States Code (U.S.C.) 5309 as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144), evaluated transit alternatives in the corridor from Kapolei to the University of Hawai'i at Manoa and to Waik'ik'i. Four alternatives were studied, including No build, Transportation system Management, Bus operating in a Managed Lane, and Fixed Guideway Transit. Fixed Guideway Transit was selected as the Locally Preferred Alternative. The planning Alternatives Analysis is available on the project's Web site at <http://www.honolulutransit.org>.

The **Honolulu** City Council has established a fixed-guideway transit system connecting Kapolei and University of Hawai'i at Manoa, with a branch to Waik'ik'i, as the locally preferred alternative. the O'ahu Metropolitan Planning Organization (OMPO) has included construction of rail transit system between Kapolei and the University of Hawai'i at Manoa and Waik'ik'i in the 2030 O'ahu Regional Transportation Plan, April 2006.

II. Scoping

The FTA and DTS invite all interested individuals and organizations, and Federal, State, and local governmental agencies and Native Hawaiian organizations, to comment on the project's purpose and need, the alternatives to be considered in the EIS, and the impacts to be evaluated. During the scoping process, comments on the proposed statement of purpose and need should address its completeness and adequacy. Comments on the alternatives should propose alternatives that would satisfy the purpose and need at less cost or with greater effectiveness or less environmental or community impact and were not previously studied and eliminated for good cause. At this time, comments should focus on the scope of the NEPA review and should not state a preference for a particular

alternative. The best opportunity for that type of input will be after the release of the draft EIS.

Following the scoping process, public outreach activities with interested parties or groups will continue throughout the duration of work on the EIS. The project Web site, <http://www.honolulustransit.org>, will be updated periodically to reflect the status of the project.

Additional Opportunities for public participation will be announced through mailings, notices, advertisements, and press releases. Those wishing to be placed on the project mailing list may do so by registering on the Web site at <http://www.honolulustransit.org>, or by calling (808) 566-2299.

III. Description of Study Area

The proposed project study area is the travel corridor between Kapolei and the University of Hawai'i at Manoa (UH Manoa) and Waik'ik'i. This narrow, linear corridor is confined by the Wai'anae and Ko'olau mountain ranges to the north (mauka direction) and the ocean to the south (makai direction). The corridor includes the majority of housing and employment on O'ahu. The 2000 census indicates that 876,200 people live on O'ahu. Of this number, over 552,000 people, or 63 percent, live within the corridor between Kapolei and Manoa/Waik'ik'i. This area is projected to absorb 69 percent of the population growth projected to occur on O'ahu between 2000 and 2030, resulting in an expected corridor population of 776,000 by 2030. Over the next twenty-three years, the 'Ewa/Kapolei area is projected to have the highest rate of housing and employment growth on O'ahu. The 'Ewa/Kapolei area is developing as a "second city" to complement downtown Honolulu. The housing and employment growth in 'Ewa is identified in the General Plan for the City and County of Honolulu.

IV. Purpose and Need

The purpose of the Honolulu High-Capacity Transit Corridor Project is to provide high-capacity, high-speed transit in the highly congested east-west transportation corridor between Kapolei and the University of Hawai'i at Manoa, as specified in the 2030 O'ahu Regional Transportation Plan (ORTP). The project is intended to provide faster, more reliable public transportation services in the corridor than those currently operating in mixed-flow traffic, to provide basic mobility in areas of the corridor where people of limited income live, and to serve rapidly developing areas of the corridor. The project would also provide an alternative to provide automobile travel and improve transit linkages within the corridor. Implementation of the project, in conjunction with other improvements included in the ORTP, would moderate anticipated traffic congestion in the corridor. The project also supports the goals of the O'ahu General Plan and the ORTP by serving areas designated for urban growth.

The existing transportation infrastructure in the corridor between Kapolei and UH Manoa is overburdened handling current levels of travel demand. Motorists and transit users experience substantial traffic congestion and delay at most times of the day, both on weekdays and on weekends. Average weekly peak-period speeds on the H-1 Freeway are currently less than 20 mph in many places and will degrade even further by 2030. Transit vehicles are caught in the same congestion.

Travelers on O`ahu's roadways currently experience 51,000 vehicle hours of delay, a measure of how much time is lost daily by travelers stuck in traffic, on a typical weekday. This measure of delay is projected to increase to more than 71,000 daily vehicle hours of delay by 2030, assuming implementation of all the planned improvements listed in the ORTP (except for a fixed guideway system). Without these improvements, ORTP indicates that daily vehicle-hours of delay could increase to as much as 326,000 vehicle hours.

Currently, motorists traveling from West O`ahu to Downtown **Honolulu** experience highly congested traffic conditions during the a.m. peak period. By 2030, after including all of the planned roadway improvements in the ORTP, the level of congestion and travel time are projected to increase further. Average bus speeds in the corridor have been decreasing steadily as congestion has increased. ``TheBus" travel times are projected to increase substantially through 2030. Within the urban core, most major arterial streets will experience increasing peak-period congestion, including Ala Moana Boulevard, Dillingham Boulevard, Kalakaua Avenue, Kapi`olani Boulevard, King Street, and Nimitz Highway. Expansion of the roadway system between Kapolei and UH Manoa is constrained by physical barriers and by dense urban neighborhoods that abut many existing roadways. Given the current and increasing levels of congestion, a need exists to offer an alternative way to travel within the corridor independent of current and projected highway congestion.

As roadways become more congested, they become more susceptible to substantial delays caused by incidents, such as traffic accidents or heavy rain. Even a single driver unexpectedly braking can have a ripple effect delaying hundreds of cars. Because of the operating conditions in the study corridor, current travel times are not reliable for either transit or automobile trips. To get to their destination on time, travelers must allow extra time in their schedules to account for the uncertainty of travel time. This lack of predictability is inefficient and results in lost productivity. Because the bus system primarily operates in mixed-traffic, transit users experience the same level of travel time uncertainty as automobile users. A need exists to reduce transit travel times and provide a more reliable transit system.

Consistent with the General Plan for the City and County of **Honolulu**, the highest population growth rates for the island are projected in the `Ewa Development Plan area (comprised of the `Ewa, Kapolei and Makakilo communities), which is expected to grow by 170 percent between 2000 and 2030. This growth represents nearly 50 percent of the total growth projected for the entire island. The more rural areas of Wai`anae, Wahiawa, North Shore, Waimanalo, and East **Honolulu** will have lower population growth of between zero and 16 percent if infrastructure policies support the planned growth in the `Ewa Development Plan area. Kapolei, which is developing as a ``second city" to Downtown **Honolulu**, is projected to grow by nearly 600 percent is 81,100 people, the `Ewa neighborhood by 100 percent, and Makakilo by 125 percent between 2000 and 2030. Accessibility to the overall `Ewa Development Plan area is currently severely impaired by the congested roadway network, which will only get worse in the future. This area is less likely to develop as planned unless it is accessible to Downtown and other parts of O`ahu; therefore, the `Ewa, Kapolei, and Makakilo area needs improved accessibility to support its future growth as planned.

Many lower-income and minority workers live in the corridor outside of the urban core and commute to work in the Primary Urban Center Development Plan area. Many lower-income workers also rely on transit because of its affordability. In addition, daily parking costs in Downtown Honolulu are among the highest in the United States, further limiting this population's access to Downtown. Improvements to transit capacity and reliability will serve all transportation system users, including moderate- and low-income populations.

V. Alternatives

The alternatives proposed for evaluation in the EIS were developed through a planning Alternatives Analysis that resulted in selection of a Fixed Guideway Transit Alternative as the locally preferred alternative (LPA). FTA and DTS propose to consider the following alternatives:

Future No Build Alternative, which would include existing transit and highway facilities and planned transportation projects (excluding the proposed project) anticipated to be operational by the year 2030. Bus service levels consistent with existing transit service policies is assumed for all areas within the project corridor under the Future No Build Alternative.

Fixed Guideway Alternatives, which would include the construction and operation of a fixed guideway transit system in the corridor between Kapolei and UH Manoa with a branch to Waik'ik'i. The draft EIS would consider five distinct transit technologies: Light rail transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system.

Comments on reducing the range of technologies under consideration are encouraged. The draft EIS also would consider two alignment alternatives. Both alignment alternatives would operate, for the most part, on a transit-guideway structure elevated above the roadway, with some sections at grade. Both alignment alternatives generally follow the route: North-South Road to Farrington Highway/Kamehameha Highway to Salt Lake Boulevard to Dillingham Boulevard to Nimitz Highway/ Halekauwila Street. Both alignment alternatives would have a future extension from downtown Honolulu to UH Manoa with a future branch to Waik'ik'i, and a future extension at the Waianae (western) end to Kalaeloa Boulevard in Kapolei. The second alignment alternative would have an additional loop created by a fork in the alignment at Aloha Stadium to serve Honolulu International Airport that rejoins the main alignment in the vicinity of the Middle Street Transit Center. The first construction phase for either of the Fixed Guideway Alternatives is currently expected to begin in the vicinity of the planned University of Hawai'i West O'ahu campus and extend to Ala Moana Center via Salt Lake Boulevard. The Build alternatives also include the construction of a vehicle maintenance facility, transit stations and ancillary facilities such as park-and-ride lots and traction-power substations, and the modification and expansion of bus service to maximize overall efficiency of transit operation.

Other reasonable alternatives suggested during the scoping process may be added if they were not previously evaluated and eliminated for good cause on the basis of the Alternatives Analysis and are consistent with the project's purpose and need. The planning Alternatives Analysis is available for public and agency review on the project

Web site at <http://www.honolulustransit.org>. It is also available for inspection at the project office by calling (808) 566-2299 or by e-mailing info@honolulustransit.org.

VI. Probable Effects

The EIS will evaluate and fully disclose the environmental consequences of the construction and operation of a fixed guideway transit system on O`ahu. The EIS will evaluate the impacts of all reasonable alternatives on land use, zoning, residential and business displacements, parklands, economic development, community disruptions, environmental justice, aesthetics, noise, wildlife, vegetation, endangered species, farmland, water quality, wetlands, waterways, floodplains, hazardous waste materials, and cultural, historic, and archaeological resources. To ensure that all significant issues related to this proposed action are identified and addressed, scoping comments and suggestions on more specific issues of environmental or community impact are invited from all interested parties. Comments and questions should be directed to the DTS as noted in the ADDRESSES section above.

VII. FTA Procedures

The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and its implementing regulations by the Council on Environmental Quality (CEQ) (40 CFR parts 1500-1508) and by the FTA and Federal Highway Administration ("Environmental Impact and Related Procedures" at 23 CFR part 771). In accordance with FTA regulation and policy, the NEPA process will also address the requirements of other applicable environmental laws, regulations, and executive orders, including, but not limited to: Federal transit laws [49 U.S.C. 5301(e), 5323(b), and 5324(b)], Section 106 of the National Historic Preservation Act, Section 4(f) ("Protection of Public Lands") of the U.S. Department of Transportation Act (49 U.S.C. 303), Section 7 of the Endangered Species Act, and the Executive Orders on Environmental Justice, Floodplain Management, and Protection of Wetlands.

Dated: March 12, 2007.

Leslie T. Rogers, Regional Administrator.

[FR Doc. 07-1237 Filed 3-14-07; 8:45 am] BILLING CODE 4910-57-M



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

February 12, 2009

Mr. Ted Matley
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, California 94105

Subject: Draft Environmental Impact Statement for the Proposed Honolulu High-Capacity Transit Corridor Project, Oahu, Hawaii (CEQ #20080469)

Dear Mr. Matley:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

While EPA supports the goal of providing transportation choices to the communities of Oahu, we have some concerns related to wetlands, water quality, environmental justice, and noise impacts. EPA has rated this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the attached *Rating Factors* for a description of our rating system.

We are particularly concerned that the Draft Environmental Impact Statement (DEIS) does not contain any quantitative information about the location, acreage, and potential impacts to aquatic resources, hydrology, and waters of the United States in the project area. Impacts to waters of the United States will be subject to Clean Water Act (CWA) Section 404 (b)(1) Guidelines (40 CFR 230). If it is determined that an Individual Permit is required, only the Least Environmentally Damaging Practicable Alternative (LEDPA) can be permitted pursuant to the 404 (b)(1) Guidelines. In addition, without any data regarding potential impacts to hydrologic flows and potential downstream impacts, it is difficult to determine whether significant impacts may occur and what mitigation commitments are needed. EPA recommends that a meeting be scheduled with our wetlands staff and staff of the U.S. Army Corps of Engineers Regulatory Branch to discuss CWA requirements and potential project impacts to hydrology in the area.

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We are also concerned that required consultation processes, such as 1) Section 106 consultation for potential impacts to historic and archaeological resources, 2) the water quality assessment associated with the sole source aquifer, and 3) the determination of consistency with the Hawaii Coastal Zone Management Program, have not been completed. These processes should be completed prior to publication of the Final Environmental Impact Statement (FEIS) in order to determine whether or not significant impacts will result. The FEIS should document the specific consultation processes, any additional impacts identified through this coordination, and all resulting mitigation commitments.

Finally, while we believe that most of the alternatives eliminated prior to the DEIS are documented sufficiently, we have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS. Additional information should be included in the FEIS explaining why these technologies were not considered to be reasonable alternatives and were therefore not reviewed in the DEIS.

We appreciate the opportunity to review this DEIS and look forward to future coordination on the project. When the FEIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact Connell Dunning, Transportation Team Leader, at 415-947-4161, or Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,



KDC

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Wayne Y. Yoshioka, Department of Transportation Services, City and County of Honolulu
Susan Meyer, U.S. Army Corps of Engineers

Alternatives Analysis

EPA recognizes that a significant amount of analysis of alternatives has taken place and has been documented prior to the Draft Environmental Impact Statement (DEIS). While we believe that most of the alternatives eliminated prior to the DEIS are documented sufficiently, we have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS. The Final Environmental Impact Statement (FEIS) should identify the specific rationale behind the elimination of these technologies from consideration.

Recommendation:

- Include additional information in the FEIS explaining why light rail or bus rapid transit in an exclusive right-of-way were not considered to be reasonable alternatives and were therefore not reviewed in the DEIS. If these technologies may have resulted in fewer environmental impacts, further justification is warranted to substantiate why those less damaging alternatives were not carried through for consideration.

It is also our understanding that modifications to the alignment described in the DEIS are being considered in order to avoid federal facilities in the current project area. These changes and the impacts associated with them should be described in the FEIS, along with the reasons for considered modifications. If significant variations from the analyzed alternatives are proposed, the Federal Transit Administration (FTA) and the Department of Transportation Services (DTS) should consider preparing a Supplemental DEIS for public review. EPA is available to discuss with FTA and DTS the appropriate level of environmental documentation needed should new information be incorporated into the document.

Recommendation:

- Include information in the FEIS about any changes to the proposed alignment and impacts associated with those changes. Consult EPA regarding the appropriate level of documentation.

We understand that the project will eventually include extensions of the proposed project on both ends of the initial segment. However, the extensions to the project were not analyzed in this DEIS. It is critical that selection of the alternative for the initial segment not preclude a reasonable range of alternatives for those future extensions. Given that the proposed project is an elevated structure, there are few remaining alternative sites where the subsequent extension projects can "link" to the project. The extensions should be viewed as reasonably foreseeable future actions and, as such, should be analyzed thoroughly in the cumulative impact analysis. Specifically, what additional

resources of concern will be affected should the proposed action be carried forward and should the proposed extensions be built?

Recommendation:

- Ensure that selection of the alternative for the initial segment will not preclude a reasonable range of alternatives for future extensions. Include an analysis of potential impacts, and mitigation for those impacts, that would occur should the extensions to the project be built. Identify all reasonably foreseeable future actions associated with the placement of the proposed project as well as the impacts to resources from those future actions. Provide any mitigation for these identified cumulative effects.

Wetlands and Waters

In our January 6, 2006 and April 13, 2007 scoping comments, EPA stated that the DEIS should disclose the approximate area of waters of the United States that occur within the study area of the proposed project, including permanent and intermittent streams and wetlands. The Clean Water Act (CWA) Section 404(b)(1) Guidelines at 40 CFR Part 230.10(a) state that "... no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." While the DEIS states that "no direct impacts to wetlands are expected" (page 4-134), EPA believes that it is likely that the project will have both direct and indirect impacts to waters of the United States. FTA and DTS will have to demonstrate that potential impacts to waters of the United States have been avoided and minimized to the maximum extent practicable prior to obtaining a CWA Section 404 permit (40 CFR 230.10(a) and 230.10(d)). Our scoping comments further recommended that the following information be included in the DEIS, and we reiterate that this information should be included in the FBIS.

We also recommend that DTS meet with EPA wetlands staff and staff of the U.S. Army Corps of Engineers to discuss Section 404(b)(1) requirements. Please contact Wendy Wiltse of EPA's Honolulu office at 808-541-2752 to arrange a meeting.

Recommendations:

- Work with EPA and the Corps to acquire a jurisdictional delineation of waters of the United States and impacts to those waters in the project area.
- Demonstrate that all potential impacts to waters of the United States have been avoided and minimized. If these resources cannot be avoided, clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts.
- Quantify the benefits from measures and modifications designed to avoid and minimize impacts to water resources; for example, number of stream crossings avoided, acres of waters of the United States avoided, etc.

- Identify all protected resources with special designations and all special aquatic sites¹ and waters within state, local, and federal protected lands. Additional steps should be taken to avoid and minimize impacts to these areas.
- Identify and commit to mitigation for any unavoidable impacts. Include a timeframe for implementation of mitigation commitments along with the responsible party.

Water Quality

The DEIS states that a Water Quality Impact Assessment is underway, as required in areas that depend upon a sole source aquifer for drinking water. The results of this assessment should be included in the FEIS.

The DEIS also states that the project's consistency with the objectives and policies of the Hawaii Coastal Zone Management Program will be reviewed by the Department of Business, Economic Development & Tourism (DBEDT) Office of Planning. This review should be completed and documented in the FEIS.

While we support DTS's plan to implement permanent best management practices (BMPs) to manage stormwater runoff, we do not believe that there is sufficient information in the DEIS to document that the project will have no adverse impacts on water quality due to increased pollutants in stormwater. Additional information is needed in the FEIS to support the conclusion that there will be no adverse impacts to water quality. Where the proposed project will widen existing roads, the current stormwater detention basins and structures should be evaluated to determine if they will continue to be effective. We also recommend the use of green infrastructure as part of stormwater management. Detailed information about green infrastructure approaches is available at <http://cfpub.epa.gov/npdes/greeninfrastructure/technology.cfm>.

The FEIS should also include a discussion of other impacts the project may have on local hydrology, such as sediment transport, groundwater recharge, and flood attenuation, and how these impacts would be minimized or mitigated.

Recommendations:

- Include the results of the sole source aquifer water quality assessment in the FEIS and confirm that no significant impacts will result. Identify specific mitigation measures for any potential impacts.
- Include a discussion of the DBEDT Office of Planning review of the project's consistency with the Coastal Zone Management Program and confirm that the project is consistent with the program.

¹ Special aquatic sites are defined at 40 CFR 230.40 – 230.45 and include wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.

- Consider including green infrastructure in the permanent BMPs for stormwater management and document the BMPs in the FEIS.
- Identify the project's impacts on local hydrology, such as sediment transport, groundwater recharge, and flood attenuation in the FEIS rather than waiting to analyze these impacts at a future date. Include specific mitigation commitments in the FEIS and identify how these mitigation actions will reduce impacts to surface hydrology. Include an analysis of potential hydrological impacts due to the reasonably foreseeable future extensions of the proposed project.

Noise Impacts

The DEIS, including the visual impact simulations, indicate that residents in a number of areas may experience significant noise impacts due to the proximity of the project to homes. EPA encourages DTS to consider noise abatement measures not specified in the DEIS, such as noise insulation of receptor sites.

EPA also recommends that particular attention be given to potential noise impacts and mitigation in the vicinity of Pearl Harbor and the USS Arizona Memorial.

Recommendations:

- Consider additional noise abatement measures, such as noise insulation of receptor sites, for residences and other sensitive receptors that would experience noise impacts. Provide quantitative information in the FEIS on the decrease in noise impacts from additional mitigation strategies.
- Provide additional noise mitigation in the vicinity of Pearl Harbor and the USS Arizona Memorial, if necessary to preserve the contemplative nature of the site.

Environmental Justice

EPA previously provided feedback on the environmental justice (EJ) analysis methodology proposed for this project, which was based on the Oahu Metropolitan Planning Organization's method for determining EJ areas. While we believe that the DEIS appropriately identifies EJ areas, we have concerns about the proposed relocation of residents of the Banana Patch community, which is identified in the DEIS as an EJ area of concern. We encourage DTS to choose an alternative alignment that would avoid relocation of this community. If no reasonable avoidance alternative exists, EPA recommends that extensive efforts be made to communicate and consult with the community in planning and implementing the project, and that all past and future consultation activities with this community be documented in the FEIS.

In addition, EPA recommends that additional assistance be provided to any other residents of environmental justice communities who will be relocated.

Recommendations:

- Identify an alternative alignment that would avoid the Banana Patch community and alter the proposed action to accommodate this modification.
 - Document the content and outcomes of the community meeting held with the Banana Patch community, as well as any other past or planned communication with the community, in the FEIS.
 - Identify and commit to specific mitigation measures to minimize the impacts of relocation on low-income and minority populations.
 - Conduct interviews with all potential displacees who have special needs to ensure that issues are fully identified and a plan for assistance is prepared. Based on the results from these interviews, identify and commit to additional measures to minimize the impacts of relocation, such as providing translation services, transportation to visit potential replacement housing, and/or additional relocation specialists to work with these communities.
-

Section 106 Consultation

The DEIS states that Section 106 consultation is ongoing. The consultation process should be completed prior to release of the FEIS and the process and required mitigation should be documented. This is critical to the determination of whether the project will have significant impacts on historical resources.

Recommendation:

- Complete the Section 106 process and document all related mitigation commitments in the FEIS. Confirm in the FEIS that the Section 106 consultation process included analysis of potential impacts from the reasonably foreseeable future action of the proposed extension of the project. Identify what, if any, additional impacts to historical properties may occur with future extensions of the project.

Invasive Species

EPA's January 6, 2006 and April 13, 2007 scoping comments included recommendations for minimizing the spread of invasive species. The islands of Hawaii are particularly vulnerable to invasive species, and construction associated with the project has the potential to aid in the establishment of invasive plants along any newly disturbed corridors. We reiterate our recommendations below and request that they be addressed in the FEIS.

Recommendations:

- In accordance with Executive Order 13112, identify proposed methods to minimize the spread of invasive species and utilize native plant and tree species where revegetation is planned.

- Coordinate invasive species management with local agencies and organizations, such as the Oahu Invasive Species Committee: a voluntary partnership organized to prevent new invasive species infestations on the island of Oahu, to eradicate incipient invasive species, and to stop established invasive species from spreading on Oahu (<http://www.hear.org/oisc/>).
- Coordinate measures to reduce the potential for the spread of invasive species with other ongoing planning efforts. Additional resources related to Federal and State programs to address invasive species can be found at: <http://www.invasivespeciesinfo.gov/>

Visual Impacts

The DEIS indicates that there may be significant visual impacts resulting from the project. Context sensitive design can be used to mitigate these impacts.

Recommendation:

- Utilize context sensitive design, including neighborhood-based design guidelines and community input, as much as possible to mitigate the project's visual impacts.

Climate Change

Research on global climate change indicates that many coastal areas may be impacted in the future by sea level rise. The IPCC projects that global sea level will rise between 7 and 23 inches by the end of the century (2090–2099) relative to the base period (1980–1999). According to the IPCC, the average rate of sea level rise during the 21st century is very likely to exceed the 1961–2003 average rate. Storm surge levels are also expected to increase due to projected sea level rise. Combined with non-tropical storms, rising sea level extends the zone of impact from storm surge and waves farther inland, and will likely result in increasingly greater coastal erosion and damage.²

Recommendation:

- Include a discussion in the FEIS of the potential impacts of climate change on the proposed project and identify adaptive management strategies to protect the project area from those impacts.

² IPCC, 2007b: Summary for Policymakers. In: *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Parry, M.L., O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

iLind.net

Ian Lind online daily from Kaaawa, Hawaii

Friday...Kamehameha key to Honolulu rail transit future

May 1st, 2009

Kamehameha Schools, the politically influential private trust, appears to be the wild card in last-minute behind-the-scenes efforts to lower the profile of the city's proposed rail transit system by shifting to a slightly different form of steel-on-steel rail technology.

Honolulu architects, including some in the 12 local firms working on station designs, have taken the public lead in criticizing the size and visual impact of the fixed guideway system required by the specific type of trains chosen by Mayor Mufi Hannemann, which they say would create a massive concrete scar across the city.

"I'm not anti-transit," one AIA leader told me, "but I'm anti-stupid things."

He described the stations planned along the 20-mile elevated route "gigantic aircraft carriers in the sky."

"There are many, many stairways up and down, escalators, walkways, concourses," he said. "It's just unbelievable."

They are also highly critical of Hannemann for manipulating the city's consideration of alternative technologies to reach a politically predetermined conclusion that precluded the selection of what has become by far the most popular and widely used urban rail technology.

One prominent architect, who asked not to be named because of his business relationship with the city, said he and others have been threatened by Hannemann and key members of his administration.

"More than once I've been threatened that I'll never work in this town again," he said. "The mayor is intimidating architects to shut them up."

Other architects point to the departures of two key professionals who had been managing aspects of the rail project for the city and its primary contractors. The pair are said to have left their jobs because of what they saw as political interference by the city in their professional decisions.

Led by the Honolulu Chapter of the American Institute of Architects, the primary professional association in the industry, the architects are now reaching out to other business groups, including realtors, contractors, and others, with the message that rail doesn't have to be as expensive or as visually intrusive as the city has proposed. In many

mainland cities, trains operate at ground level in downtown areas without the huge above-ground stations that the city's system will require.

But the city administration is moving quickly to lock in their design choice by signing contracts containing specifications that would preclude adopting a more flexible type of train that can run on smaller elevated platforms or at ground level as appropriate. The AIA admits that the odds are against them, even if they are successfully in rallying the business community and public.

But Kamehameha Schools is the elephant in the room with enough potential political clout to tip the political balance.

In 2006, Kamehameha CEO Dee Jay Mailer was appointed by Hannemann to the city's Transit Finance Advisory Committee, and has been supportive of rail. But in February 2009, Kamehameha submitted lengthy comments in response to the city's draft environmental impact statement for the rail project, saying it would create a visual blight that threatens to stunt economic growth along much of its length and threaten the trust's land values and financial future.

The Kamehameha comments, coupled with those submitted by the AIA, raise significant challenges both of substance and process.

Although Kamehameha officials have declined to publicly comment further on their efforts, they are funding ongoing work by at least one well-placed mainland transit consultant. If they choose to actively oppose the mayor's choice of technology, even if largely out of the public's eye, it could potentially tip the political balance.

However, others say even Kamehameha is subject to threats from the city because the land-heavy trust will need city approvals and permits at various stages for its future development projects.

Several people associated with the AIA's effort predict rough sledding ahead if the city continues on its single-minded track and predict the project will be delayed by legal challenges.

"Look at the whole history of environmental impact statements," one architect told me. You've never had a project defeated on its merits. It's the procedural issues where they fail, and it only takes one plaintiff. Look at the Superferry."



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to select the city's locally preferred alternative to comply with the process that will be followed in implementing Honolulu's mass transit project. The council has received the Alternatives Analysis Report for the Honolulu High-Capacity Transit Corridor Project ("AA"), dated November 1, 2006. The council believes that, in its role as policymakers for the city, a fixed guideway system is the best selection for the long-term needs and demands of our growing island population. Therefore, the council approves a fixed guideway system as the locally preferred alternative, which will allow the city administration to move forward on the locally preferred alternative.

PART I. Selection of the Locally Preferred Alternative

SECTION 2. Selection of the locally preferred alternative.

The locally preferred alternative for the Honolulu High-Capacity Transit Corridor Project shall be a fixed guideway system between Kapolei and the University of Hawaii at Manoa, starting at or near the intersection of Kapolei Parkway and Kalaeloa Boulevard, with an alignment as follows:

- (1) Section I – Saratoga Avenue/North-South Road and Kamokila Boulevard, as determined by the city administration before or during preliminary engineering, to Farrington Highway;
- (2) Section II – Farrington Highway/Kamehameha Highway;
- (3) Section III – Salt Lake Boulevard and Aolele Street as determined by the city administration before or during preliminary engineering;
- (4) Section IV – Dillingham Boulevard; and
- (5) Section V – Nimitz Highway/Halekauwila Street/Kapiolani Boulevard to the University of Hawaii at Manoa, with the Waikiki branch.

The "sections" refer to the sections in figures 2-3 through 2-7 of the Alternatives Analysis Report.



A BILL FOR AN ORDINANCE

SECTION 3. The city administration is authorized to proceed with preparation of an environmental impact statement for the locally preferred alternative (LPA), and with planning and preliminary engineering for that portion of the LPA (including any portion of any section of the LPA listed in section 2 above) that may be constructed within financial constraints (capital cost and any interest to finance that capital cost shall be paid entirely from general excise and use tax surcharge revenues, interest earned on the revenues, and any federal, state, or private revenues); provided that this portion shall constitute a minimum operable segment (MOS) for purposes of Federal New Starts funding eligibility; and provided further that the proposed MOS shall be subject to Council approval by resolution.

SECTION 4. Section 6-60.1, ROH, is amended to read as follows:

"Sec. 6-60.1 Establishment of surcharge—Conditions.

Pursuant to Section 2 of Act 247, Session Laws of Hawaii, Regular Session of 2005, codified as Section 46-16.8 of the Hawaii Revised Statutes, there is hereby established a one-half percent general excise and use tax surcharge to be used for purposes of funding the operating and capital costs of public transportation within the City and County of Honolulu as specified herein. The excise and use tax surcharge shall be levied beginning January 1, 2007. Prior to the tax surcharge monies being expended as the local match for federal funds, the following shall occur:

- (1) The council has approved by [resolution] ordinance a locally preferred alternative following an Alternatives Analysis [and Draft EIS]; and
- (2) The council has received from the director of transportation services an operational, financial, development and route plan for the locally preferred alternative; and
- (3) There is a commitment of federal funds, whether for planning, land acquisition or construction, to further the locally preferred alternative."

PART II. Alignment, Stations, and Base Yard
of the Locally Preferred Alternative

SECTION 5. Section 4-8.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:



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"Sec. 4-8.3 Types of public infrastructure to be shown on public infrastructure map.

(a) Symbols for the following types of public improvement projects shall be shown on the public infrastructure maps, provided they meet the applicability criteria specified in Section 4-8.4:

- (1) Corporation yard;
- (2) Desalination plant;
- (3) Drainageway (open channel);
- (4) Energy generation facility;
- (5) Fire station;
- (6) Government building;
- (7) Golf course (municipal);
- (8) Electrical transmission line and substation (above 46kV but less than 138kV);
- (9) Park;
- (10) Police station;
- (11) Parking facility;
- (12) Water reservoir;
- (13) Sewage treatment plant;
- (14) Solid waste facility;
- (15) [Transit corridor;] Fixed guideway system alignment, stations, and base yard of the locally preferred alternative;
- (16) Major collector or arterial roadway;



A BILL FOR AN ORDINANCE

- (17) Sewage pump station; and
- (18) Potable water well.
- (b) The alignment of linear facilities, and the location of project boundaries, shall be considered approximate and conceptual."

PART III. Technology of the Locally Preferred Alternative

SECTION 6. Reservation of right to select technology.

The council reserves the right to select the technology of the fixed guideway system for the locally preferred alternative. If the council exercises the right, the council shall select the technology through subsequent ordinance passed on third reading by the council before the city administration issues a public notice soliciting proposals or inviting bids for work that includes design of the system.

The city administration shall give the council at least 90 days' notice before issuing the first public notice soliciting proposals or inviting bids for work that includes design of the fixed guideway system.

**PART IV. Specifications of Request for Proposals
Or Invitation for Bids**

SECTION 7. Approval of specifications of requests for proposals or invitation for bids.

The city administration shall submit to the council the specifications in each proposed request for proposals or invitation for bids for work that includes the planning, design, or construction of any portion of the locally preferred alternative before issuing the request or invitation. The city administration shall not issue the request for proposals or invitation for bids until after the specifications are approved by the council.

PART V. General

SECTION 8. Ordinance material to be repealed is bracketed; new material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, bracketed material, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 07-001

BILL 79 (2006), CD2, FD2

A BILL FOR AN ORDINANCE

SECTION 9. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donovan Dela Cruz

Ann Kobayashi

Romy M. Cachola

Charles Diou

Barbara Marshall

Todd Apo

DATE OF INTRODUCTION:

October 19, 2006
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 6th day of JANUARY, 2007

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 07-001

BILL 79 (2006)

Introduced: 10/19/06 By: DONOVAN DELA CRUZ

Committee: TRANSPORTATION & PLANNING

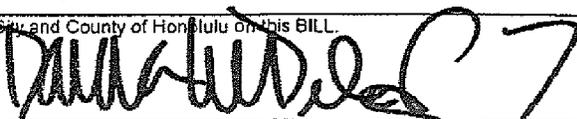
Title: A BILL FOR AN ORDINANCE RELATING TO TRANSIT.

Links: [BILL 79 \(2006\)](#)
[BILL 79 \(2006\), CD1](#)
[BILL 79 \(2006\), CD2](#)
[BILL 79 \(2006\), CD2, FD2 \(FINAL #2\)](#)
[CR-469](#)
[CR-508](#)

COUNCIL	10/25/06	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PLANNING.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
TRANSPORTATION AND PLANNING	11/02/06	CR-469 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. COMMUNITY OUTREACH MEETINGS TO REVIEW THE ALTERNATIVE ANALYSIS (AA) REPORT ON THE HONOLULU HIGH CAPACITY TRANSIT PROJECT (VARIOUS LOCATIONS): 11/13/06; 11/16/06; 11/17/06; 11/20/06; 11/21/06; 11/22/06; 11/27/06.
PUBLISH	11/27/06	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.
COUNCIL/PUBLIC HEARING	12/7/06	BILL PASSED SECOND READING, AS AMENDED (CD1), CR-469 ADOPTED, PUBLIC HEARING CLOSED AND REFERRED TO TRANSPORTATION AND PLANNING COMMITTEE. (BILL 79, CD1) (NOTE: MOTION TO AMEND FOLLOWING BILLS FAILED: (1) <u>BILL 79, PROPOSED CD1, FD1 (VERSION A)</u> ; AND (2) <u>BILL 79, PROPOSED CD1, FD1 (VERSION B)</u> .)
	APO Y	CACHOLA Y DELA CRUZ Y DJOU N GARCIA Y
	KOBAYASHI Y	MARSHALL N OKINO Y TAM Y
TASK FORCE	12/8/06	BRIEFING BY THE TRANSIT ADVISORY TASK FORCE ON THE COUNCIL'S 12/7/06 PUBLIC HEARING RE BILL 79, CD1.
PUBLISH	12/13/06	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.
TRANSPORTATION AND PLANNING	12/14/06	CR-508 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
COUNCIL	12/22/06	CR-508 ADOPTED. BILL 79, CD2, FURTHER AMENDED ON THE COUNCIL FLOOR TO CD2, FD1, HOWEVER, BILL 79, CD2, FD1, FURTHER AMENDED TO BILL 79, CD2, FD2 (FINAL #2), AND SUBSEQUENTLY PASSED THIRD READING, AS AMENDED (BILL 79, CD2, FD2 (FINAL #2)) (NOTE: <u>BILL 79 (2006), PROPOSED CD2, FD1 (NORTH-SOUTH BRANCH, NON-LPA COMMITMENT)</u> WAS ALSO CONSIDERED AND SUBSEQUENTLY WITHDRAWN)
	APO Y	CACHOLA Y DELA CRUZ Y DJOU N GARCIA Y
	KOBAYASHI Y	MARSHALL N OKINO Y TAM Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

07-001

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 523-4141 * FAX: (808) 523-4242 * INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



April 17, 2008

The Honorable Barbara Marshall, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED

APR 17 2 19 PM '08

CITY CLERK
HONOLULU, HAWAII

Dear Chair Marshall and Members:

This is to inform you of my decision to proceed with the technology selection of Steel on Steel for the Honolulu High-Capacity Transit Corridor project.

I am acutely aware of the Council's reservation of the right to select the technology (Ordinance 07-001, PART III, Section 6) and because I also recognize the selection of technology must be based on technical facts and fiscal merits instead of policy and perception, I approached the Council last year to collaboratively establish a selection panel. The Council agreed that the technology selection by the panel is advantageous to the City and passed Resolution 07-376, ESTABLISHING A PANEL TO SELECT FIXED GUIDEWAY TECHNOLOGY.

The panel members' qualifications clearly reached beyond any single technology and the conclusion was unanimously for steel on steel among the panel members who had the transit technology experiences.

Based on yesterday's indecision by the Council, it is clear that the Council failed to recognize the panel's expert decision and has exposed the City to the risks of selecting technology that is not the most advantageous.

Therefore, I have instructed the Department of Transportation Services to proceed with the steel technology as selected by the expert panel in the preparation of the draft Environmental Impact Statement, Preliminary

MAYOR'S MESSAGE 32

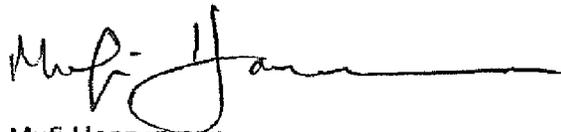
The Honorable Chair Marshall
and Members of the Honolulu City Council
April 17, 2008
Page Two

Engineering, the final Environmental Impact Statement and other necessary documents as required or requested by the FTA and the State.

Additionally, pursuant to the second proviso included in Ordinance 07-001, PART III, Section 6, I am notifying the Council that I am issuing the first notice soliciting proposals for work that includes design of the steel on steel fixed guideway system after 90 days from the date of this letter.

It is my belief that proceeding with the project implementation with the sense of urgency is prudent and fiscally responsible given the fact of the possible cost increase due to inflation in the construction industry. We have the best chance of being able to implement the system our residents have long deserved and are waiting so I am proceeding with the project in the best way I can.

Sincerely,

A handwritten signature in black ink, appearing to read "Mufi Hannemann", with a long horizontal flourish extending to the right.

Mufi Hannemann
Mayor