

## MEMORANDUM

**TO:** Peter Rogoff, Administrator  
**FROM:** Leslie T. Rogers, Region IX Administrator  
**DATE:** October 8, 2010  
**RE:** Meeting with Mayor Peter Carlisle and Honolulu Transit Division Staff to discuss Honolulu High Capacity Transit Corridor Project

### MEETING OVERVIEW

- **Date of Meeting:**  
Friday October 15, 2010, 1:30 PM to 2:00 PM
- **Meeting Attendees:**  
Mayor Peter Carlisle, City of Honolulu  
City and County of Honolulu Department of Transportation Services, Rapid Transit Division (RTD) Staff

### TOPIC OF MEETING

- Newly elected Mayor Carlisle wished to introduce himself and provide assurances that the City will continue to pursue the High Capacity Transit Corridor project as currently planned.
- **Status of Environmental Review:**
  - The comment period for the Final Environmental Impact Statement (FEIS) closed on August 26, 2010. FTA is reviewing a significant set of the comments and draft responses.
  - FTA and RTD are working with signatories, including Hawaii State Historic Preservation and the Advisory Council on Historic Preservation, to finalize the Section 4(f) programmatic agreement. The consultation has narrowed to a single outstanding issue regarding mitigation for long term project impacts to historic resources.
  - FTA is reviewing information submitted by the RTD regarding the environmental process required for the pre-cast yard site. The contractor had selected a site, per the contract, and pre-maturely advertised the development of an Environmental Assessment. ~~but~~ FTA has yet to determine the level of what environmental ~~review process should be pursued for an environmental clearance under NEPA.~~
  - The Governor's Office has selected a contractor who has started work on an independent review of the project finances. The review is scheduled to be completed in early December. The Governor may not act to approve the FEIS prior to her leaving office in December.
- **Status of Project Preliminary Engineering:**

- FTA ~~has serious~~~~continues to have~~ concerns over the project schedule since it is based on a ROD date of May 2010. The City continues to press matters by and schedule for issuing ~~additional of~~ Notices ~~to~~ Proceed. The City may be generating claims by its contractors due to the inability of the project to advance according to ~~the~~ contract terms ~~City's schedule~~.
- FTA has expressed serious concerns over the a \$49 million contract for project management support to InfraConsult LLC for a lack ~~certain contracts that lack of~~ federal clauses and other deficiencies (lack of independent cost estimates and no evidence of a cost or price analysis). The City's position, which is counter to FTA policy, is that these are locally funded sections of the project and the federal clauses are not necessary. ~~Disagreement~~~~discussion~~ continues on this issue.

### **FTA POSITION**

- FTA understands that Mayor Carlisle intends to have the project proceed as currently planned and implemented. FTA ~~also continues to~~ supports the project but has serious concerns over the project sponsor's methods to advance the project prior to completion of NEPA and final design.
- FTA continues to have concerns that the project implementation schedule is overly aggressive and will lead to claims against the City by its contractors if the timeline is not met.
- FTA continues to have concerns over the contracting procedures related to the project.
- The issue of the Governor's approval of the FEIS needs to be addressed before the project can move forward.
- FTA is aware that there is a high probability that a lawsuit to stop the project on environmental grounds will be filed upon release of the Record of Decision.