
From: Graves, Bonnie (FTA)
To: Day, Elizabeth (FTA)
Sent: 7/19/2010 11:18:36 AM
Subject: Hawaii question

Hi Beth

We had our conference call with Hawaii. Basically, they are trying to ensure that as soon as there is a ROD, they can start construction on the first segment of the project. One of our remaining questions is, if they are in final design, doesn't what they spend qualify for a letter of no prejudice? Do they really need the appropriations language? They are characterizing it as something they may or may not need, but they want to have it in their pocket just in case. They also say the whole project – including the local part – works out to a 70/30 local/federal split. I think this begs the question as to why they need the language. Can you help clarify why this language is helpful to them?

Here is the proposed language:

Sec. 169. Notwithstanding any other provision of law, when evaluating the local share of the project authorized to be carried out under section 3043 (c) (86) of Public Law 109-59 (119 Stat. 1644) the Secretary shall give consideration to all non-New Starts funds expended for engineering, final design and construction of the Farrington Highway Guideway, Stations, Maintenance Storage Facility and related elements advanced with 100 percent non-New Starts funds.

Thanks!
Bonnie