



UNITED STATES DISTRICT COURT

CHAMBERS OF
HELEN GILLMOR
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-400
HONOLULU, HAWAII 96850-0400

TELEPHONE
(808) 541-3502
FACSIMILE
(808) 541-3579

09 JAN 28 A10:48

DTS
RAPID TRANSIT

January 22, 2009

The Honorable Todd K. Apo, Councilmember
Honolulu City Council
530 S. King Street, Room 202
Honolulu, HI 96913

Re: Honolulu Rail Transit System (Honolulu High
Capacity Transit Corridor Project, 2008/PIM-1);
Security Risk for Federal Court Building

Dear Councilman Apo:

I write on behalf of the Judges of the United States District Court to strongly voice our opposition to the proposed route of the Honolulu Rail Transit System on Halekauwila Street immediately adjacent to the Federal Court Building. The proposed Halekauwila Street route, or any route similarly close to the Federal Courthouse, raises unacceptable severe security concerns - exposing our Courthouse to potential terrorists' gunfire and/or bombing such as occurred in Oklahoma City and within trains in Madrid, or to a lone attack by an individual holding a grudge against a particular Judge. We believe there are suitable alternative routes other than Halekauwila Street (such as Queen Street, which we understand from Mr. Kenneth Toru Hamayasu, Chief of the Rapid Transit Division of the Department of Transportation Services of the City and County of Honolulu, was the City's initial choice for this route).

We previously expressed our deep concern over this matter by letter dated November 28, 2008, to Mr. Leslie T. Rogers, Regional Administrator of the Federal Transit Administration. We reiterated our position by letter dated December 9, 2008, addressed to The Honorable Nestor Garcia, Chairman of the City Council Transportation and Public Works

Committee. Copies of both of these letters were sent to Mr. Hamayasu.

We received a response dated December 24, 2008 from Mr. Wayne Y. Yoshioka, Director of the Department of Transportation Services of the City and County of Honolulu, informing us that any changes to the rail transit system route on Halekauwila Street would require City Council action. Accordingly, we are now addressing our concerns directly to the City Council.

We understand from an article in the Honolulu Advertiser on January 3, 2009, that the City intends to pursue an "aggressive schedule," including such steps as promptly issuing requests for proposals on design/build contracts for the project's first phase, and revising a final Environmental Impact Statement for Federal approval. An article in the Honolulu Advertiser on January 11, 2009, reports that a risk management feasibility study contract will be awarded next month, and that the City has introduced Bill 63 to allow the City administration to seek construction proposals without Council approval. We urge the City Council to consider relocating the rail transit system route to avoid Halekauwila Street before making any costly commitments as to this route prior to the final review by the Federal Transit Administration.

On October 16 of last year we met with Mr. Hamayasu to express our concern about the high security risk to which the Federal Courthouse would be exposed should the rail transit system run on Halekauwila Street. He informed us that he did not feel there are any viable alternatives to Halekauwila Street, and that any change would be highly unlikely and would require Honolulu City Council approval. We disagree that there are no reasonable alternatives. We believe that Queen Street, King Street, Beretania Street, and possibly other streets could be utilized instead. We recognize, as does Mr. Hamayasu, that any route (including Halekauwila Street) presents problems.

We understand from our discussion with Mr. Hamayasu that the guideway structure will be 45 feet above street level and will pass within a mere 45 feet of the Federal Courthouse building. Our Court building is 4 stories high, so the guideway structure will be at the same level as the windows of three Judges' chambers. The guideway structure will be 25 feet wide, providing 2 sets of tracks for trains proceeding in either direction. There will be approximately 50 trains, with a train passing by our Courthouse during rush hours every 3 minutes in

each direction. As noted in the draft Environmental Impact Statement, Halekauwila Street is an unusually narrow street. Moreover, currently there is no public transport system along this street.

Subsequent to our meeting with Mr. Hamayasu, we met with the City's security committee. The security committee presented us with its security analysis entitled "Honolulu Rail Transit Project Potential Threats to Federal Court Building from Transit Viaduct". The City's security committee acknowledged that this security analysis was prepared only after our earlier meeting with Mr. Hamayasu, and that previously no consideration had been given to the Federal Courthouse's unique security concerns. It was also noted that neither the U.S. Marshal nor any other federal court security representative was previously consulted or even contacted regarding a proposed transit line running along Halekauwila Street adjacent to the Federal Courthouse. Nor was the owner of the Federal Building and Courthouse given any notice of the proposed Halekauwila Street route. We enclose a copy of letter dated December 15, 2008, from Michael D. Larson, Property Manager, U.S. General Services Administrator, Public Building Service, PJKK Federal Building, 300 Ala Moana Boulevard, expressing concerns over the Halekauwila Street route and the lack of any notice. The City's security committee also acknowledged that none of the security specialists who participated in preparing its analysis was familiar with security standards for Federal Courthouses.

The City's security analysis concludes that "the possibility of an assault from the viaduct to the Courthouse is deemed to be most improbable for many reasons;" yet the analysis fails to effectively address our concerns. As an example, our primary concern is detonation of explosives placed inside a train triggered by a cell phone operated by terrorists from a far distance (similar to what occurred in the Madrid attacks). This could be accomplished in a number of ways; such as, several people carrying sufficient explosives boarding a train several stops before the Federal Courthouse and exiting one or two stops before the Courthouse after leaving the explosives on board, or simply by several suicide bombers. Further, the security enhancements suggested by the City's analysis would afford little, if any, protection from a major bomb blast within a passing train.

After the Oklahoma City bombing and the terrorists attacks of September 11, certain security issues affecting the Federal Courthouse were recognized, and concrete berms and

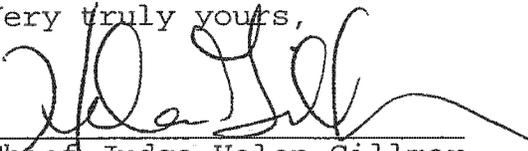
planters were placed along Halekauwila Street to impede trucks with bombs intent on destroying our Court building as happened in Oklahoma City and Lebanon. A cable secured fence was constructed around the lawn area on the northwest side of the Courthouse, and security patrols were implemented.

We are still at war with terrorists who want to destroy us - and will be for years to come. Federal buildings have been prime targets.

The proposed rail transit system on Halekauwila Street would expose the Federal Courthouse to a much greater risk, similar to the train bombings which occurred in Madrid. We urge that you consider this security risk thoroughly, and we request that the City re-route the transit system to utilize a street other than Halekauwila Street.

Please do not hesitate to contact us should you have any questions concerning the above. Our judges would be pleased to meet with you and show you the close proximity of the proposed guideway structure to our chambers.

Very truly yours,

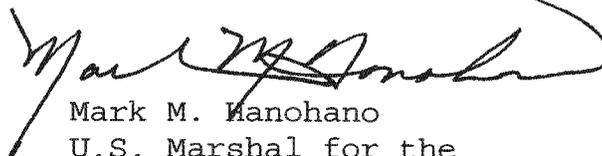


Chief Judge Helen Gillmor

As the U.S. Marshal for the District of Hawaii, I concur with the above assessment of the Judges of this District that the proposed route of the Honolulu Rail Transit System on Halekauwila Street presents a severe security risk to the Federal Court building, and I join in opposing this route.

Dated: January 23, 2009.

Very truly yours,



Mark M. Manohano
U.S. Marshal for the
District of Hawaii

Enclosure

cc: Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Ms. Sherry Little
Deputy Administrator
Federal Transit Administration

Kenneth Toru Hamayasu, P.E.
Chief, Rapid Transit Division
Department of Transportation Services
City and County of Honolulu

Mr. Wayne Yoshioka
Director of the Department
of Transportation Services

Mr. Harry Berliner
Department of Transportation Services



U. S. General Services Administration
Public Buildings Service
PJKK Federal Building
300 Ala Moana Boulevard, Suite 1-336
Honolulu, Hawaii 96850
(808) 541-1950
Fax: (808) 541-3601

December 15, 2008

Wayne Yoshioka, Director
Department of Transportation
City and County of Honolulu
650 S. King Street, 3rd Floor
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

The purpose of this letter is to express our concerns over the proposed Honolulu High Capacity Transit Corridor Project.

The United States General Services Administration is the record owner of the Prince Jonah Kuhio Kalaniana'ole Federal Building and Courthouse located at 300 Ala Moana Boulevard ("PJKK Building"). We have never received any notice from the City and County of Honolulu Department of Transportation Services Rapid Transit Division (DOT) about this project. As such, we were surprised to learn that the proposed project entails the construction and operation of an elevated transit system along a narrow street directly abutting the PJKK Building on Halekawila Street. As a federal agency and property owner significantly impacted by the proposed project, DOT is required to invite us to participate in the scoping process which appears to have occurred in late Dec 2005 and January 2006. Nor have we received any of the multiple notices of intent issued for this project and the draft Environmental Impact Statement. See List of Draft EIS recipients attached to the Draft EIS.

We hope that this project has not proceeded so far that any possibility of our providing meaningful comment at this time has been eliminated. Our obvious concerns include noise, vibration, security and apparent site easement. We are hereby requesting an immediate meeting with DOT in order that we may be briefed as to the proposed project and its particular impact upon the PJKK Building. We would caution DOT not to proceed on the basis that that any property necessary for this project (including air rights) along Halekawila can be obtained through the eminent domain process since this process is not available against the United States.

We trust that DOT will immediately correct its notice procedures and now include us on the mailing list for this project and provide all documents prepared and invitations of public meetings for the proposed project to the United States of America. Please note that all information should be sent to the PJKK Building as follows:

Michael D. Larson, Property Manager
Public Buildings Service
US General Services Administration
Prince Kuhio Federal Building & US Courthouse
300 Ala Moana Blvd., Suite 1-336
Honolulu, HI 96850-4992
(808) 541-3632
michael.larson@gsa.gov

We look forward to hearing from you at your earliest convenience. Thank you.

Sincerely,



Michael D. Larson
Property Manager

cc: Carrie Okinaga, Corporation Counsel
Faith Miyamoto, Chief of Transportation Planning
Leslie T. Rogers, Regional Administrator