

RT11/08-288564



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

November 18, 2008

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration
FTA Region IX
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

08 NOV 21 P 3:56
OTS
RAPID TRANSIT

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

Dear Mr. Rogers:

The undersigned Judges, being all of the United States Judges of the District of Hawaii, write 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 understand that you have reviewed the initial draft Environmental Impact Statement submitted by the City and County of Honolulu. We believe there are suitable alternative routes other than Halekauwila Street.

On October 16th of this year we met with the Chief of the Rapid Transit Division of the Dept. of Transportation Services of the City and County of Honolulu, Mr. Kenneth Toru Hamayasu, to express our concern of 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.^{1/} 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", a copy of which is enclosed. 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. 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.

^{1/} You may be aware that the City Council is considering initially re-routing the rail transit system to run by the Honolulu Airport rather than the Salt Lake community.

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 from 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.

Now 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 you require 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.

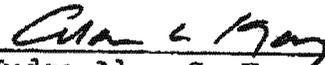
Very truly yours,

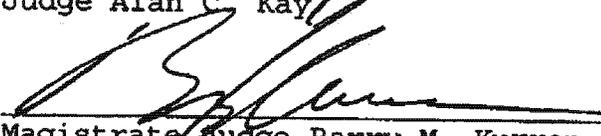

Chief Judge Helen Gillmor


Judge Susan Oki Mollway


Judge J. Michael Seabright


Judge Samuel P. King


Judge Alan C. Kay


Magistrate Judge Barry M. Kurren


Magistrate Judge Leslie E. Kobayashi

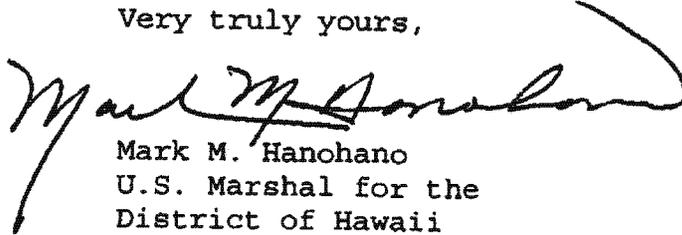

Magistrate Judge Kevin S.C. Chang

Judge David A. Ezra has recused
himself from consideration of this
issue.

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: November 18, 2008.

Very truly yours,



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

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

Ms. Sherry Little
Deputy Administrator
Federal Transit Administration

HONOLULU RAIL TRANSIT PROJECT

Potential Threats to Federal Court Building from Transit Viaduct

The construction of a transit viaduct in close proximity to the court house has been evaluated by security specialists for potential security vulnerabilities. As a result of this evaluation, the possibility of an assault from the viaduct to the court house is deemed to be most improbable for many reasons, including: lack of access to viaduct, easy detection of trespassers, lack of sufficient time to plan an attack, lack of time to carry out an attack, lack of a plausible escape route by a perpetrator, challenge of coordination between train schedules and target availability, and alternatives for accomplishing such an assault which would have significantly less risk of failure.

The evaluation team included a PB Force Protection Specialist with extensive DOD experience, a PB Senior Security Specialist who was a former DHS/TSA executive for Mass Transit and a PB Senior Safety and Security Specialist who was the former DOT/FTA Director of Safety and Security. All of these specialists have conducted numerous vulnerability assessments for transit systems, and maintain high security clearances and liaisons with their prior agencies for current threats, threat trends and security best practices.

Part of the evaluation process was examining similar systems the team is familiar with: the Miami Dade People Mover, Detroit People Mover and Seattle Monorail all travel within close proximity of buildings and in some cases within 50 feet. The Detroit People Mover is adjacent to the federal court house. There have never been any threats or incidents from the People Mover.

The evaluation team contacted the intelligence community regarding this possible threat. Factors considered that would dissuade this type of an assault are: lack the ability of "dry runs", challenged by timing of the target versus train schedules, possibility of being detected (during planning and execution of the attack) and the lack of a good escape method. The team also checked for new or existing current threats that would affect this situation; none were identified.

Significant challenges for anyone attempting an assault from the viaduct include an intrusion detection system protecting entrances to the track area, complemented with CCTVs specifically pointed from platform ends to track area. Trespassers will be detected and a response generated, making it very difficult for a sniper to carry out surveillance or an attack successfully.

Security standards for federal buildings are published by the US General Services Administration. After 9/11, the standards were categorized listed as sensitive security information (SSI) and are no longer available without a specific need to know. The US Protective Services and the US Marshals have access to this information. Judges need to confer with them for any guidance in this matter.

HONOLULU RAIL TRANSIT PROJECT

A requirement in the System Safety Management Plan (SSMP) is the development of a Security Plan for the construction phase of the project. The construction contractor will be required to develop the plan and address security issues such as this one. There are a variety of measures that can be implemented, including security fencing to restrict access to the guideway, lighting to aid in detection, intrusion detection systems, and security patrols.

Though the evaluation team found this threat to be most improbable, the following security enhancements for the courthouse can be taken:

- Obscure the direct line of view from the viaduct. Installing a screening wall along the viaduct in the areas of access where there is a direct line of view to the courthouse will reduce opportunities for surveillance of the building and access to areas where a direct fire event could be launched.
- Window glass film/frame anchoring. Attaching a clear or tinted composite film over the window's glass to resist a direct fire or blast overpressure; also, it keeps the glass panel together as a single unit, thus reducing flying glass shards (Kobar Towers). However, window frames require anchoring to the building structure and a horizontal catch bar should be installed on the inside of the window to 'catch' the glass panel if the frame fails, thus, preventing the glass panel from becoming a missile hazard.
- Relocate the Judges Chambers. Relocating the judges' chambers to an area of the building that has limited or no direct line of view and limited entry, multi-level access controls. Remove any public, external, or internal identification, signs, boards, menu's, entrances, etc that list directions or locations to Chambers.
- Tint Chamber windows. Prevent the public from seeing into the Chambers to determine if they are occupied by applying a reflective film over the windows. This may also provide environmental conditioning savings to the building and prevent ultra-violet damage to office property.