OVERVIEW OF HONOLULU HIGH CAPACITY TRANSIT PROJECT ISSUES

1. **Environmental Issues**
   a. **Status/Timing of Record of Decision (ROD)**
      - The comment period for the Final Environmental Impact Statement (EIS) closed in August. FTA staff is reviewing the summary of comments and responses prepared by the City and County of Honolulu Department of Transportation Services Rapid Transit Division (RTD).
      - The following actions must be completed before FTA could issue a ROD: complete the review of FEIS comments and responses, complete Programmatic Agreement, and address the pre-cast yard issue (if applicable – see description below).
      - The project sponsor is assuming that the new Governor will approve the Final EIS after December 5, 2010, the gubernatorial inauguration date, and that FTA will issue a ROD shortly thereafter.

   b. **Status of Programmatic Agreement**
      - FTA, the City, the Hawaii State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), the Navy and the National Park Service (NPS) have agreed to terms in a final draft Programmatic Agreement.
      - FTA, on the advice of the ACHP, shared this final draft Programmatic Agreement with consulting parties for a two week comment period ending on Friday, December 3rd.
      - The Honolulu City Council has authorized the Director of DTS to execute the final draft Programmatic Agreement.

   c. **Pre-Cast Yard Issue**
      - Several months ago, Kiewit, the design-build contractor for the West Oahu Farrington segment, initiated a review under the State environmental process for a 30-acre pre-cast yard. The yard would be used to fabricate the concrete aerial structure for the project. The proposed site had not been included as part of the project scope in the Final EIS. Ideally, the Final EIS should include a review of the entire project scope, including pre-cast yards.
      - FTA asked for additional information about pre-cast yard sites for the project (up to four may be needed for the project), but RTD has resisted providing information on the grounds that the pre-cast yard site selection is the responsibility of the contractor.
      - The New Starts team proposed sending a letter to RTD requiring that the agency identify a pre-cast yard site or sites sufficient for the project. The letter also stated that any supplemental environmental documentation related to the sites would need to be completed before FTA would issue a ROD for the project.
      - It was decided that we not send this letter. Thus, FTA needs to decide how we will handle this issue and communicate the decision to RTD.
      - In the interim, FTA learned that the Hawaii state environmental law might not allow for supplemental environmental documentation. Thus, a review of pre-cast yard sites under state law might require the Final EIS to be rewritten to include the pre-cast yard issue.

   d. **Status of Governor's review of financial information**
      - Governor Lingle hired consultants to review the financial plan for the project. The review should be released the week of December 6.

2. **Project Development Issues**
   a. **Final Design Approval currently anticipated June 2011**
   b. **Letters of No Prejudice (LONPs) and "Local Match" Appropriations Language**

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Comment [eaz1]: The City may be sending more information to FTA.

- RTD has awarded a design-build contract for the West Oahu Farrington segment with an anticipated notice to proceed for final design and construction date of March 2011, which would be prior to the project's entry into final design. Thus, RTD has broached the subject of an LONP with FTA.
- The Hawaii delegation was successful in getting language in the Senate FY 2011 Appropriations bill that would allow RTD to count the West Oahu Farrington segment as local match toward the rest of the project. RTD seems to be under the impression that this language would allow them to proceed with construction of that segment as a "local project" and use it as match for the FTA-funded project, eliminating the need for an LONP. There would be significant challenges with separating the western segment from the Federal project at this point, including updating the New Starts criteria information, re-rating the shorter Federal project, and possibly revising NEPA documents.
  - "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."
- In addition to the West Oahu Farrington segment, RTD has indicated that they plan to request several LONPs for the project, some prior to final design approval, and some during final design. FTA has asked RTD to summarize the LONPs, amounts and anticipated dates, but has not yet received this information.

c. Procurement Issues

- This summer, a Procurement Systems Review was completed on RTD. The review concluded that required Federal clauses were not included in a $49 million contract for project management support for the rail project with InfraConsult LLC. There were several other findings related to lack of supporting documentation. FTA has not yet decided how to make RTD address this issue. The typical resolution for this type of issue would be to require RTD to rebid the contract.