MEMORANDUM

TO: Administrator Peter Rogoff
FROM: Susan Borinsky, Associate Administrator for Planning and Environment
DATE: March 09, 2010
RE: Meeting with Honolulu City Council members

MEETING OVERVIEW

You will be meeting with four members of the City Council: Council Chair Todd Apo and Councilmembers Ann Kobayashi, Nestor Garcia, and Ilikai Anderson. Apo, Garcia, and Anderson have been consistent supporters of the proposed rail transit project. Kobayashi ran against Mayor Mufi Hannemann in the 2008 election, citing opposition to the steel-wheel-on-steel-rail technology as a central issue and her preference for a rubber-tired alternative instead.

TOPIC OF MEETING & TALKING POINTS

The councilmembers are likely to ask about a variety of topics in order to hear FTA responses first-hand rather than through the City administration. Possible topics include:

Airport: The problems with the current alignment through the airport have become public knowledge in Honolulu. The mayor issued a press release after his February 26 meeting with you (accompanied by Council Chair Apo) that anticipated the near-term resolution of the airport issues. A meeting between FTA and FAA last week, however, indicated that resolution of these issues may well require quite some time. The current project alignment would require a supplemental Draft EIS, safety reviews, and other steps that may take 18-24 months. A revised alignment that avoids impacts on airport operations may require 4-6 months, depending on an FTA decision on the need for a supplemental environmental document addressing that change and its impacts. FAA will be meeting shortly with the City and Hawaii DOT's airports division to present the agency's draft conclusions.

ROD: The timing of a Record of Decision concluding the NEPA process continues to be a central focus of local discussions because of the mayor's hopes of a project groundbreaking in the next few months. The Mayor also indicated to you that he wanted to"get the FEIS on the Governor's desk," so that she would have to make a decision on advancing the project. At this point, it seems clear that the time needed to resolve the airport issues will determine the NEPA schedule. Even under a highly speculative minimal-time scenario, with a City decision to revise the airport alignment and an FTA decision that this revision ~~can~~ could be documented in the FEIS (without first issuing a supplement Draft EIS), the ROD is not likely to be finished in the next few months. Further, depending on an FTA decision regarding an expected request from the City for an LONP while the project is still in preliminary engineering, completion of the ROD may not be the final hurdle before the City can break ground. It is not clear whether the councilmembers are aware of the potential issues associated with an LONP during PE.

Funding: Various funding-related topics continue to be central to local discussions on the project, including the soundness of the financial plan, inclusion of project funding in the president's FY2011 budget, implications of diversions of FTA formula funds for the bus system, and upcoming reviews of the revised financial plan by both the governor and FTA.

FOIA: FTA responses to previous requests under the Freedom of Information Act, combined with the City administration's reluctance to provide these documents to the City Council, have meant that constituents have obtained project documents in advance of the councilmembers. Councilmember Anderson raised this issue in a November 2009 meeting with TPE staff, requesting that FTA provide to the City Council copies of project documents submitted by the City administration. Given the awkwardness of this proposed arrangement, TPE staff has asked the City administration to come to some agreement with the City Council on release of project documents. In response, some discussions have occurred between the administration and councilmembers but progress towards a resolution remains unclear.

NOTABLE BACKGROUND

The entire Hawaii Congressional delegation has been supportive of this project, particularly Senator Inouye.