**From:** Ryan, James (FTA)
**To:** Sukys, Raymond (FTA); Marler, Renee (FTA); Zusman, Nancy-Ellen (FTA); VanWyk, Christopher (FTA); Borinsky, Susan (FTA)
**Sent:** 2/24/2010 11:23:02 AM
**Subject:** RE: FAA HNL Transit Project Information Needs in the FTA EIS

I reworded the relevant passages in the update I distributed a few minutes ago. Please take a look.

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**From:** Sukys, Raymond (FTA)
**Sent:** Wed 2/24/2010 4:14 PM
**To:** Marler, Renee (FTA); Ryan, James (FTA); Zusman, Nancy-Ellen (FTA); VanWyk, Christopher (FTA); Borinsky, Susan (FTA)
**Subject:** FW: FAA HNL Transit Project Information Needs in the FTA EIS

-----Original Message-----
From: Pete.Ciesla@faa.gov [mailto:Pete.Ciesla@faa.gov]
Sent: Monday, December 21, 2009 10:20 AM
To: Sukys, Raymond (FTA)
Cc: Barr, James (FTA); Matley, Ted (FTA); Bausch, Carl (FTA); Dave.Kessler@faa.gov; Steve.Wong@faa.gov; Joseph.Manalili@faa.gov

Subject: FAA HNL Transit Project Information Needs in the FTA EIS

Ray,

We received FTA's December 15, 2009 letter, concurring with FAA's request to be a cooperating agency on the Honolulu High-Capacity Transit Corridor Project Environmental Impact Statement, since a portion of the project will be located on Honolulu International Airport (HNL) property. One of FAA's Federal Actions is to approve any changes to the Sponsor's Airport Layout Plan. FAA must ensure the changes meet FAA Airport Design Standards, specified in FAA Advisory Circular 150/5300-13. Airport Design. Prior to taking a federal action to unconditionally approve these changes the FAA will need to rely on the EIS to ensure proper compliance with NEPA. The FAA has received the Administrative Final Environmental Impact Statement (EIS) for the project and the following additional information needs to be included within the study:

1. An FAA approved Airport Layout Plan (ALP) depicting the portions of the transit corridor project at the airport needs to be shown in the EIS.

The State of Hawaii, Department of Transportation - Airports (HDOT-A) as the owner and airport sponsor is required to submit a new ALP to the FAA, whenever there are proposed changes at the airport. The ALP will need to show the proposed project and alignment, show the approach ends of Runway 22L and 22R, Runway Protection Zones and the 14 CFR Part 77 imaginary surfaces, specifically the approach surfaces. FAA will contact HDOT-A to work with them on obtaining an ALP that shows the location of the proposed transit project through HNL property. The FAA will then be able to evaluate the ALP to ensure that it meets required airport design standards and that there are no obstructions to the safe and efficient use of navigable airspace. FAA must evaluate the proposal's effects on the safe and efficient use of navigable airspace and determine if the proposal presents any potential hazards to air navigation. We must also determine if the proposal is located in the Runway Safety Areas for the approach ends of Runways 22L and 22R. We understand that HDOT-A is still determining a proposed transit alignment through airport property to ensure there are no

conflicts with other planned future development at the airport. Once this is determined, an ALP with the proposed changes would then be submitted to the FAA for review. Upon receipt of the new ALP, the FAA will conduct a technical review that normally takes from 30 -60 days to complete.

Due to the current HDOT-A deliberations regarding a proposed route in the east end of the airport, the FAA has proposed that three proposed routes in this area of the airport be included the Final EIS, pending final confirmation between the FAA and HDOT-A about the most suitable alignment from an aviation perspective. The FAA would prefer to include only one route in the Final EIS, however we understand this is dependent on further discussions between HDOT-A, Hawaii DOT, the City and County of Honolulu, since the proposed route could limit future runway and air cargo uses at the airport.

2. Prior to FAA issuance of a Record of Decision to approve development on HNL, the Final EIS and/or a supplemental environmental document would need to include information as required in FAA environmental orders: FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions and FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. These two orders must be listed in the references to support FAA's status as a cooperating agency in the preparation of the Final EIS.

If the FTA Final EIS doesn't fully include all the required information, a supplemental NEPA document may be necessary before the FAA can approve a Record of Decision. Cumulative impacts discussion in the environmental document also needs to include development of the new Mauka Concourse and cargo complex at HNL.

3. The FAA also would like to clear up any misunderstanding regarding authority for assigning runway usage at an airport. FAA regulations as specified in 14 CFR Part 91, indicate that the pilot in command of an aircraft has the final decision on which runway is most suitable to accommodate their landings and take-offs. The airport sponsor does not have the authority to designate which runway a pilot must use. Other than for temporary maintenance or other runway work, HDOT-A does not have authority to close or otherwise designate which runways pilots of various aircraft can use or cannot use. Airport grant-in-aid assurances also require that the airport sponsor may not limit access to the airport by unfairly discriminating against aircraft users or limit runway uses. Specifically, grant assurance 19 states, in part:

> "The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary ..."

> Further, Grant Assurance 22, from 49 U.S.C. 47107, states in part: " It [the airport sponsor] will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport. "

An airport sponsor attempting to advise pilots of which runway they can or cannot use for reasons other than to advise them a runway or other pavement in the Aircraft Operations Area is closed for maintenance or other reasons may be in violation of their grant-in-aid assurances. Further, an airport sponsor could incur additional liability in the event of an aircraft mishap.

The Airport sponsor also holds a certificate under 14 CFR Part 139 to accommodate scheduled passenger aircraft of more than 9 passenger seats. A sponsor holding this type of certificate has additional obligations they must fulfill to be able to accommodate air carrier (airline) aircraft operations.

If FTA has any further questions on this subject, we would be happy to discuss them further with you to ensure the proper and accurate information about aircraft and airport operations is disclosed in this EIS.

4. We are providing our list of preparer information for both myself, David Kessler and Steve Wong. Please include the information in the Final EIS as presented below:

Federal Aviation Administration

David B. Kessler, AICP, Regional Environmental Protection Specialist, Airports Division, Western-Pacific Region. B.A. Geography (Geology Minor), M.A. Physical Geography. 27 years experience. Principal FAA Planner/Environmental Protection Specialist responsible for FAA evaluation of Environmental Assessments and Environmental Impact Statements for federal airport development projects, as well as coordination from various federal and state agencies in the FAA's Western-Pacific Region. Project Manager for the Southern Nevada Supplemental Airport and Replacement General Aviation Airport – Mesquite, Nevada, Environmental Impact Statements.

Peter F. Ciesla, Regional Environmental Protection Specialist, Airports Division, Western-Pacific Region. B.S. Accounting, M.B.A. Finance. Over 20 years experience in FAA planning and environmental, military aviation operations, and base closure and realignment.

Steve Wong, Program Manager, Honolulu Airports District Office, Airports Division, Western-Pacific Region. B.S. Mechanical Engineering. 20 years experience. Manage the Airport Improvement Program projects for the State of Hawaii and oversees the Passenger Facility Charge Program for the office. Also involved in airport planning, noise compatibility, environmental documents, airspace evaluations, certification and compliance issues.

Finally, we believe it will be necessary to closely coordinate between FTA and FAA's offices to ensure the local officials are aware of and agree to the proposed alignment of the transit project where FTA proposes to locate it on HNL property. We think this will be valuable to both FTA and FAA to ensure the EIS is properly prepared and procedurally correct.

Pete

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