
From: Rogoff, Peter (FTA)
To: Borinsky, Susan (FTA); McMillan, Therese (FTA); Welbes, Matt (FTA)
CC: Rogers, Leslie (FTA); Carranza, Edward (FTA); Sukys, Raymond (FTA); Ryan, James (FTA); Day, Elizabeth (FTA); Zusman, Nancy-Ellen (FTA)
Sent: 2/16/2010 1:58:45 PM
Subject: Re: Honolulu Project Update

OK. Thanks. -P

From: Borinsky, Susan (FTA)
To: Rogoff, Peter (FTA); McMillan, Therese (FTA); Welbes, Matt (FTA)
Cc: Rogers, Leslie (FTA); Carranza, Edward (FTA); Sukys, Raymond (FTA); Ryan, James (FTA); Day, Elizabeth (FTA); Zusman, Nancy-Ellen (FTA)
Sent: Tue Feb 16 18:57:03 2010
Subject: Honolulu Project Update

Peter—In the spirit of “No Surprises:”

You may recall that on Nov. 17, 2009, the City and County of Honolulu signed a design-build contract with Kiewit Pacific Corporation for the western 6-mile portion of the Honolulu project. Region IX has questioned whether certain activities in the December 1, 2009, first Notice to Proceed (NTP) under that contract are consistent with FTA limitations on permissible activities before the completion of NEPA. The City plans to add more activities to the NTP on February 22, including one activity that is ambiguously worded in terms of its NEPA implications. The City signed the contract with Kiewit back when it anticipated NEPA completion and “ground breaking” by the end of 2009. The City is probably making every effort to identify work for Kiewit in light of the delays that the project has encountered.

The New Starts Team, including Nancy-Ellen Zusman of TCC, reviewed the NTP today. Many of the line items are clearly permissible before NEPA completion, however, some activities require further clarification to ensure that they are strictly limited to PE and do not involve final design or construction-related actions for an alternative still undergoing NEPA review.

The Team is drafting a letter from Region IX to the City to ask for clarifications. Leslie Rogers will discuss this matter and share the draft letter with you at the end of the week when he expects to see you in person. Susan