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**From:** Barr, James (FTA)  
**To:** Sukys, Raymond (FTA)  
**CC:** Matley, Ted (FTA)  
**Sent:** 12/8/2009 10:07:03 AM  
**Subject:** FW: HONOLULU PROGRAMMATIC AGREEMENT...

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**From:** Bausch, Carl (FTA)  
**Sent:** Tuesday, December 08, 2009 1:34 PM  
**To:** Barr, James (FTA)  
**Subject:** HONOLULU PROGRAMMATIC AGREEMENT...

You and Ray and Ted have worked diligently on the programmatic agreement, Jim; you've done a great job. You have asked whether we should share the draft agreement with the transit agency at the same time that we transmit it to ACHP and the SHPO. Unless the transit agency can accept a courtesy copy of the draft and refrain from attempting to further participate in negotiations, I would be inclined not to; let's wait to share the agreement with the transit agency until we have reached an accord with the SHPO and ACHP. The transit agency has been actively involved in negotiations up to this point and you have taken its position into account in your dealings in this matter. Had the transit agency not been intimately involved or well represented in negotiations, I might suggest involving the transit agency at this point; that's not the case, however. I have found nothing in the § 106 implementing procedures that requires that the transit agency be a part of negotiations during this phase of proceedings. Based on my understanding of the situation, the transit agency should have little or no trouble accepting the final product. Thanks. Carl