

Memo to the File
Susan Borinsky, Nov. 2, 2009

Meeting with Ikaika Anderson, Council Member, City and County of Honolulu (has supported project), and
Andrew Malahoff, Senior Legislative Aide to the Councilmember

FTA Participants: Ed Carranza (by phone), Jim Ryan, Carl Bausch, Beth Day, and Susan Borinsky

The following topics were discussed:

1. Impact of Bond Issuance Date on Project

- Question: The City Council currently plans to issue bonds for the project after the Record of Decision is signed. If the City Council were to delay issuance of bonds until after the next Mayoral election is on-board (sometime in Oct.), would that affect the project?
- Answer: The date of issuance of the bonds would not have an impact on the financial rating—unless the delay would create a deficit in the financial plan. If, when and how much to bond finance is entirely a local decision. FTA also reemphasized its concern with the existing financial plan which diverts a sizable amount of Section 5307 funds away from the bus system to the rail project.
- My comment: Are there non-obvious implications of delaying issuance of bonds? Does it affect issuance of contracts? ~~This is a local matter.~~ FTA should not weigh in on this decision~~get engaged~~, except to say, as we did, that the financial plan funds needs to demonstrate funding availability be present when necessary to carry out the project. Given “their” schedule of construction which assumes LONP’s immediately after the ROD and Final Design approval, the ~~thus-availability of bond funding or other local resources definitely could come into play if the project sponsor proceeds with “their” schedule of construction related LONP’s after the ROD and Final Design approval.~~

2. Project Document Distribution to City Council

- The Mayor does not provide to the City Council any of the documents that the Department of Transportation (DTS) submits to FTA. (E.g., Recall the controversy last June when DTS responded to a City Council request for a copy of the project’s financial plan by saying that the plan would not be ready until September. At that time, DTS had already submitted a financial plan for PE approval to FTA. Once that submitted plan had been obtained through a FOIA request ~~ed~~ by a citizen and presented to the City Council, however, DTS called it a “draft” plan and said, presumably it was subject to review and revision because PE had not yet been approved by FTA.)

- Councilmember Anderson asked if FTA would provide ~~documents~~ to the City Council copies of documents submitted by DTS to FTA if the Council were to discreetly requested them. to do so by Council members. He said, at a minimum, that he would like FTA to respond to questions on whether a document had been submitted by DTS. He also suggested that FTA “cc” the Council on its correspondence to DTS~~the project sponsor~~.
 - FTA staff explained that it has not encountered a split between the executive and legislative branches of an entity (here the City and County of Honolulu) that is sponsoring an applicant project to the degree that seems to exist in Honolulu. FTA likes to see local consensus and support for proposed projects, certainly among the different branches of the sponsor.
 - We normally communicate about New Starts submissions only with the designated representative of the sponsor, in this case DTS. That representative normally would share information with the relevant elements of the project sponsor. FTA responds to requests for copies of documents from other sources by directing those sources to submit a FOIA request.
 - We recognize that even if there are repeated iterations and revisions to a given document, all the versions of that document are apparently subject to FOIA.
 - *Follow-up: We said that we would check with our Chief Counsel’s Office to advise us regarding the Councilmember’s request. [Jim Ryan will pose question to TCC.]*
 - *Follow-up: We also agreed to provide the Councilmember with the generic FTA checklists of documents that must be submitted by project sponsor for entry into PE, final design, and with FFGA applications. [FTA can provide this when we respond on the document matter listed above.]*
3. Impact of Hypothetical Changes in the Project (Based on considerations actually under discussion)
- Question: if there were to be a change in horizontal alignment (to bypass an area where a proposed development may not occur and where the land will instead remain agricultural), or in vertical alignment (changing a part of the project from aerial to ground), how would that impact the project?
 - Answer: Both the NEPA and New Starts reviews would be impacted. Supplemental NEPA work would be required to examine the impacts of the new alignment, both horizontal and vertical. Revised New Starts information on ridership, cost, operating plan~~frequencies~~, financial plan, etc. would also be necessary. FTA would want this information provided and “the” project defined before approval into final design, at which point the New Starts share is frozen and overall project cost and scope should be

as solid as possible since increases are the responsibility of the sponsor, not FTA.

- Question: How long would such changes take; would it jeopardize the project? Would it make it impossible to meet the Mayor's timeline?
- Answer: FTA wants the local area to present to us the project it wants; we don't dictate the project. If the local area wants to change the project, that's up to them. Changes do ~~have impacts, however, on the~~ NEPA and New Starts ~~reviews currently underway.~~ It would be fair to say additional time would be necessary, but ~~W~~we can't speculate about how long it would take to accommodate such changes since; we don't have enough information. FTA has not committed to the Mayor's timeline; we just work as efficiently as we can to carry out our NEPA and New Starts responsibilities in reviewing the locally chosen project.

4. Extensions to the Project

- Question: The locally preferred alternative includes not only the Honolulu has plans for extensions to the 20 mile project currently in PE, but also 2 "spurs" that would be built sometime in the future. The spurs are included in the long range transportation plan for the same vehicle technology as the 20 mile project. If a local decision was made to change the technology for the "spurs" (such as from automated third rail system to streetcar technology) would this impact the project timeline? How would these be incorporated into the project now in the New Starts pipeline?
- Answer: FTA is reviewing, evaluating and rating (and possibly recommending) only the 20-mile project that has been presented to us. Our NEPA review does not include the "spurs" in it. Additions to the 20 mile that project that would happen sometime in the future are considered "separate projects," and not part of what FTA is now considering funding. Local decisions to change the technology of the "separate projects" would not impact the current project being reviewed by FTA.