

FTA is requiring the City and County of Honolulu to be an Invited Signatory to the Section 106 Programmatic Agreement for the Honolulu High Capacity Transit Corridor Project. This is a standard FTA practice for the grantee to be a full signatory to the agreement.

Given that a Full Funding Grant Agreement will not be in place until sometime in the future, and that the City is contemplating project actions before that time through Pre-Award Authority and Letters of No Prejudice, FTA is concerned that there be sufficient legal mechanisms in place to ensure compliance by all parties in the Section 106 requirements.

FTA understands that the City has determined that a City Council action is required for the City to enter into a binding agreement such as the Section 106 agreement. FTA does not believe that any additional time required for this action will significantly affect the project timeline and will provide for a higher degree of visibility and information among local officials of the mitigation activities that will be necessary due to the project.