From: Miyamoto, Faith
To: 'Ted.Matley@dot.gov'
CC: Foell, Stephanie; 'Spurgeon, Lawrence'; 'Hogan, Steven'; Judy Aranda; Souki, Jesse K.; 'Van Epps, James'
Sent: 8/14/2009 6:41:17 PM
Subject: RE: Issues on PA

Hi Ted -

I know you know, but we really need to get these PA issues resolved soon. It is already affecting our schedule. If we can shed more light on the issues by providing more information or participating in your internal discussions, please let us know.

I will try calling you on Monday.

Faith

-----Original Message-----
From: Ted.Matley@dot.gov [mailto:Ted.Matley@dot.gov]
Sent: Friday, August 14, 2009 3:44 PM
To: Miyamoto, Faith
Subject: Issues on PA

Faith,

I regret that I'm likely not going to have anything for you by Tuesday. I've been trying to set up a conference call to have the internal discussion with FTA staff I've been told we need to have by Monday, but I've gotten no confirmations except out of office response emails.

As of right now, there are three issues we've identified that FTA needs to focus on;

1. The outstanding mitigation issues - I've looked at them and at least I agree that these mitigation issues certainly are debatable, at the least. However, you've got a situation that we don't seem to have much experience with. Usually these negotiations are resolved by the local parties and FTA is not required to step in. So we're on uncertain ground here as to what FTA's next steps should be and need to confer with HQ.

2. City not being a signatory but signing as a consulting party - we have some concerns about the legal sufficiency of this action for a New Starts project with use of pre-award authority and likely LONP's. We also need to discuss this with HQ staff.

3. We've pretty much agreed that we don't see the need for the OIBC and OHA to be invited signatories, but haven't made a final decision.

At this point it might be advisable to cancel Tuesday's meeting as well. If you feel that input from FTA is vital to making that meeting useful, I'd suggest you cancel and explain you haven't received the necessary input from FTA. I'd perhaps schedule the meeting for the next Tuesday.

I'm sorry that's all I can offer at this time but I thought it was better to give you what notice I could of the delays. If any thing changes I'll let you know.

Ted