From: Sukys, Raymond (TRO-09)
To: Barr, James (TPE)
CC: Ossi, Joseph (TPE); Marler, Renee (TRO-09); Turchie, Donna (TRO-09); Ryan, James (TPE); Bausch, Carl (TPE); Fisher, Ron (TPE); Rogers, Leslie (TRO-09)
Sent: 1/20/2006 10:01:25 AM
Subject: RE: FYI - Complaint on Honolulu's public process

Hi Jim,

You ask a lot of questions which I do not necessarily have an answer to. I will try to go in the order of the questions and avoid repeating them.

- Region IX has not received the December 12 submittal and we hear that it has not been issued to FTA yet.

- Slater's alternative does not fit in the Managed Lane Alternative. Toru indicated the same thing in our conference call with him. I would like to emphasize that Slater is highly concerned that DTS will begin steam rolling its way through the processes and a valid review of any of the non-preferred alternatives will not happen.

- I do not know what was shared with the public during the scoping meetings, although we do have 2 letters complaining about the lack of information and openness. Donna is obtaining a copy of the transcripts and she will ask to have one sent to you as well.

- We still have not received the scoping report. With regard to Slater's comments, I think there is minimally one way to deal with it and that would be to evaluate his proposed alternative. As we discussed earlier, we both believe his alternative is reasonable.

Region IX has still not requested that DTS evaluate Slater's alternative. I have already sent a couple of e-mails recommending inclusion of his alternative and I have not heard of any objection from TPE other than your question about whether it fits in the Managed Lane Alternative. I would like to issue an e-mail next week requiring the evaluation of the Slater alternative when we issue comments about the schedule.

Ray

From: Barr, James (TPE)
Sent: Wednesday, January 18, 2006 8:08 AM
To: Sukys, Raymond (TRO-09)
Cc: Ossi, Joseph (TPE); Marler, Renee (TRO-09); Turchie, Donna (TRO-09); Ryan, James (TPE); Bausch, Carl (TPE); Fisher, Ron (TPE); Rogers, Leslie (TRO-09)
Subject: RE: FYI - Complaint on Honolulu's public process

Ray:

Note that on December 12 HRT transmitted "Capital Cost Estimating, O&M Cost Estimating, Evaluation and Financial Planning Methodology Reports Transmitted for FTA Review" to FTA. Did we review this material? Was it adequate? How does the "straw man" theory of Slater's fit with the Managed Lane Alternative? Was all of this information shared with the public at the scoping meetings or as requested?

January 9 is the deadline for Scoping comments. So, Slater's letter can give us pause. How does the DTS Scoping Report (due January 17) deal with the Slater comment? If DTS simply blows it off, then I think that we should call a halt to the DTS process and begin a review of the project planning to date with an emphasis on the DTS public planning process, their openness to new ideas and their adequacy in developing and sharing technical data. Note the new NEPA requirements of SAFETEA-LU §6002 whereby the public should be encouraged to be involved as early as possible in the development of P&N and AA.

Is DTS's overall planning documentation adequate? We should review the transcripts of the public hearings to determine if their procedures were adequate. We may determine from the submitted info if additional public involvement is warranted.

We published an NOI stating that DTS was preparing an AA/DEIS. I have modified the DTS milestone list accordingly. I have also included a proposed milestone for FTA review on January 20.

Jim

From: Sukys, Raymond (TRO-09)
Sent: Friday, January 06, 2006 5:09 PM
To: Barr, James (TPE)
Cc: Ossi, Joseph (TPE); Marler, Renee (TRO-09); Turchie, Donna (TRO-09); Ryan, James (TPE); Bausch, Carl (TPE); Fisher, Ron (TPE); Rogers, Leslie (TRO-09)
Subject: RE: FYI - Complaint on Honolulu's public process

Jim,

I agree and I would go further to suggest that we have the Slater alternative fully considered through AA and the EIS. This would certainly throttle his lawsuit. Unfortunately, during our call they wanted to argue about funding red herrings and I did not really emphasize the need for this evaluation sufficiently. Region IX will need HQs assistance if we are going to press them in this strategy because once we require it, Toru will seek relief because of his perception that it is too burdensome and that Slater does not know what he is talking about.

Also, for those in HQs that weren't involved on the last go around, I think all should remain cognizant of their willingness to deceive the FTA with no remorse. Two of the more egregious actions were DTS defiance of direct FTA requests to develop a supplemental NEPA document for project changes and the start of construction without authority despite warnings that it would create an ineligibility for the project all while embroiling the FTA in a lawsuit.

I have attached the milestone list and I request that both you and Jim Ryan place formal FTA approval milestones to allow the monitoring of DTS.

Ray

From: Barr, James (TPE)
Sent: Friday, January 06, 2006 10:33 AM
To: Sukys, Raymond (TRO-09)
Cc: Ossi, Joseph (TPE); Marler, Renee (TRO-09); Turchie, Donna (TRO-09); Ryan, James (TPE); Bausch, Carl (TPE)
Subject: RE: FYI - Complaint on Honolulu's public process

Ray:
Thanks for the call yesterday regarding Honolulu.
I just want to reiterate what we said earlier in the day.
As we mentioned in the call, all reasonable alternatives uncovered during scoping may undergo AA and NEPA review. Slater's reversible dual-lane alternative appears on its face to be reasonable. Clearly he has given substantial thought to it. Alternatives discussed during pre-NEPA AA or other planning studies may be eliminated from detailed study in the DEIS if FTA finds, in cooperation with other NEPA scoping participants, that the alternatives were evaluated and eliminated with adequate justification during an AA process with appropriate public involvement and interagency coordination, and if it was a separate planning study, the alternative is incorporated by reference in the NEPA document.
Perhaps you can forward my comments to Honolulu.
Regards;

Jim

From: Sukys, Raymond (TRO-09)
Sent: Wednesday, January 04, 2006 5:00 PM
To: Barr, James (TPE); Turchie, Donna (TRO-09)
Cc: Ossi, Joseph (TPE); Marler, Renee (TRO-09)
Subject: RE: FYI - Complaint on Honolulu's public process

Wait, the call is for 11 am est.

From: Barr, James (TPE)
Sent: Wednesday, January 04, 2006 12:18 PM
To: Turchie, Donna (TRO-09)
Cc: Sukys, Raymond (TRO-09); Ossi, Joseph (TPE)
Subject: RE: FYI - Complaint on Honolulu's public process

Donna:
I cannot make a 2:00 PM meeting.
Maybe Joe can make it.
Jim

From: Turchie, Donna (TRO-09)
Sent: Wednesday, January 04, 2006 11:33 AM
To: Ryan, James (TPE); Fisher, Ron (TPE); Barr, James (TPE)
Cc: Sukys, Raymond (TRO-09); Marler, Renee (TRO-09); Rogers, Leslie (TRO-09); Turchie, Donna (TRO-09)
Subject: RE: FYI - Complaint on Honolulu's public process

Happy New Year!

Region 9 proposes that we have a conference call to discuss Honolulu's public process (see below) at 11 am EST on Thursday, January 5th. I will be out of the office for the rest of the day, so please let both Ray and I know of your availability.

The conference call number is:

877-960-0440

Passcode for participants 704828#

Thanks.

Donna Turchie

From: Sukys, Raymond (TRO-09)
Sent: Tuesday, December 20, 2005 2:36 PM
To: Ryan, James (TPE)
Cc: Turchie, Donna (TRO-09); Rogers, Leslie (TRO-09); Marler, Renee (TRO-09); Fisher, Ron (TPE); Barr, James (TPE)
Subject: FYI - Complaint on Honolulu's public process

Jim,

Cliff Slater just called to let me know of the following:

1) OMPO refuses to release any background data on the ridership forecasts.
2) Toru told the public that FTA has determined that "hot lanes" are ineligible for FTA funding.
3) Hot lane costs were significantly overestimated and when asked about how it was estimated, Slater was told that no estimates were ever made.
4) As a result of 2 and 3, hot lanes are being dropped from consideration.
5) The public meeting was crafted to avoid public discourse and prevent individuals from hearing each others comments.
6) The press was disappointed at the lack of openness.

Unless this changes, we are again headed for a lawsuit. I recommend that we have a conference call to discuss this in the first week of January.

Ray