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May 21, 2010 RT9/09-333642

Mr. Mike Uechi
(No address or e-mail provided)

Dear Mr. Uechi:

Subject: Honolulu High-Capacity Transit Corridor Project
Comments Received on the Draft Environmental Impact Statement

The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) issued a Draft Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project. This letter is in response to substantive comments received on the Draft EIS during the comment period, which concluded on February 6, 2009. The Final EIS identifies the Airport Alternative as the Project and is the focus of this document. The selection of the Airport Alternative as the Preferred Alternative was made by the City to comply with the National Environmental Policy Act (NEPA) regulations that state that the Final EIS shall identify the Preferred Alternative (23 CFR § 771.125 (a)(1)). This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments on the Draft EIS, and City Council action under Resolution 08-261 identifying the Airport Alternative as the Project to be the focus of the Final EIS. The selection is described in Chapter 2 of the Final EIS. The Final EIS also includes additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS. The following paragraphs address comments regarding the above-referenced submittal:

Property acquisition will be determined during Final Design and will occur early in the construction process. In all cases, the City will be required to follow the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as related to property acquisition, displacement, and payment. As stated in the Final EIS, Section 4.4 Acquisitions, Displacements, and Relocations, Environmental Consequences and Mitigation:

A partial acquisition typically is either a narrow strip of land or a more substantial portion of a large parcel. It is assumed that for the properties that would be partially acquired, existing land uses would not change. For residential properties, if the proposed right-of-way line comes

within 5 feet of a residential structure, it is considered a full acquisition. If the right-of-way line is outside the 5 feet, it is considered a partial acquisition. For commercial properties, including situations where the commercial property could lose its function, full acquisition was considered.

Regarding construction delays, FTA and the City have developed a Section 106 Programmatic Agreement in consultation with the State Historic Preservation Division and other consulting parties to address any affected iwi kupuna (Hawaiian burials) or other historical or archaeological resources. The Programmatic Agreement is included in Appendix H to the Final EIS. It includes surveys to locate and address any iwi kupuna issues in advance of Project construction. State law specifies how inadvertent discoveries of burials during construction are to be addressed in a timely manner to avoid substantial project delays. Section 4.18.11 of the Final EIS provides more detail on potential for discovery of burials during construction. ~~Regarding other construction delays, the City is working closely with the Oahu Island Burial Council to develop the most effective ways to find, identify, protect, or relocate iwi kupuna (Hawaiian burials) if they are found well in advance of Project construction. Similar steps are being taken to minimize other risks.~~

To answer your second question, Section 6.6 of the Final EIS discusses risks and uncertainties associated with the financial analysis presented in Chapter 6. Changes in project schedule are one source of risk that is discussed. ~~Chapter 6 also discusses other options for raising revenue should it be necessary to find additional funds. To be eligible for~~The FTA New Starts ~~Funds~~Program requires a series of successively more detailed steps to be taken that show refinement in design and financing and are subject to FTA approval. In general, local funds must ~~constitute~~represent at least 50 percent of the project budget to realistically qualify for FTA funding. The Project provides 70% of the cost of the project. As noted above, Chapter 6 also discusses other options for raising revenue should it be necessary to find additional funds.

~~In addition to construction contingency, to minimize the risk of construction delays, the City will require contractors to pay liquidated damages if they cannot meet contract schedules.~~ ~~Furthermore, o~~On a project of this size, the contractor's best incentive to complete work on time or even ahead of schedule is that they can generally make a higher profit if they do so.

The FTA and DTS appreciate your interest in the Project. The Final EIS has been issued in conjunction with the distribution of this letter. You may view the Final EIS on the Project website at www.honolulutransit.org. You may request a DVD of the Final EIS and additional content through the "Contact Us" tab on the website or by calling the Project hotline at 566-2299. Issuance of the Record of Decision under NEPA and acceptance of the Final EIS by the Governor of the State of Hawaii are the next anticipated actions ~~and will conclude the environmental review process for this Project~~.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Comment [TH1]: This section needs a much more substantial description of the Section 106 process and coordination with consulting parties and the SPHD. Cite regulations regarding Section 106.

Comment [TH2]: Add a brief discussion on New Starts funding and the requirement for a 50% local match and cite the regulations.

Comment [TH3]: List where this is cited in the FEIS.