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 the next Mayor is on-board (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.
    - 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 get engaged, except to say, as we did, that funds need to be present when necessary to carry the project, *thus 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 FOIA'ed by a citizen and presented to the Council, however, DTS called it a "draft" plan, presumably it was subject to review and revision because PE had not yet been approved.)
    - Councilmember Anderson asked if FTA would provide documents to the City Council if requested to do so by Council members. He said, at a minimum, that he would like FTA to respond to questions whether a document had been submitted. He also suggested that FTA "cc" the Council on its correspondence to the project sponsor.

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- 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 FTA checklists of documents submitted for PE, final design, and 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 NEPA and New Starts 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, frequencies, 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 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 NEPA and New Starts. We can't speculate about how long it would take to accommodate such changes; 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

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our NEPA and New Starts responsibilities in reviewing the locally chosen project.

4. Extensions to the Project
    - Question: Honolulu has plans for extensions to the 20 mile project. How would these be incorporated into the project now in the New Starts pipeline?
    - Answer: FTA is reviewing, evaluating and rating (and possibly recommending) the 20-mile project that has been presented to us. Additions to that project are "separate projects," and not part of what FTA is now considering funding.

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