From: Longo, David (FTA)
To: Sinquefield, Robyn (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); VanWyk, Christopher (FTA)
CC: Day, Elizabeth (FTA); Zelasko, Elizabeth (FTA); Farber, Brian (FTA); Griffo, Paul (FTA)
Sent: 9/23/2010 4:20:43 AM
Subject: RE: Call from Cliff Slater (Honolulu)

Thanks.

Dave Longo
Deputy Associate Administrator for
Communications and Congressional Affairs
U.S. DOT/Federal Transit Administration
1200 New Jersey Ave., SE, East Wing
Washington, DC 20590

Direct: (202) 366-0608
Mobile: (202) 680-9237
Fax: (202) 366-3472

From: Sinquefield, Robyn (FTA)
Sent: Thursday, September 23, 2010 10:15 AM
To: Longo, David (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); VanWyk, Christopher (FTA)
Cc: Day, Elizabeth (FTA); Zelasko, Elizabeth (FTA); Farber, Brian (FTA); Griffo, Paul (FTA)
Subject: RE: Call from Cliff Slater (Honolulu)

Thanks, Dave.

Here is a response to the question ""Does the City need only the ROD to begin construction, or both the ROD and a letter of no prejudice?"

In September 2009, FTA announced revised practices for pre-award authority* and Letters of No Prejudice (LONPs)** for projects seeking New Starts funding. (Please see: http://www.fta.dot.gov/planning/newstarts/planning_environment_10278.html.) Under the new practices, upon the completion of the National Environmental Policy Act (NEPA) process, FTA provides automatic pre-award authority to incur costs for utility relocation, real property acquisition and vehicle purchases. The NEPA process is completed when FTA signs an environmental Record of Decision (ROD) or Finding of No Significant Impact, or makes a Categorical Exclusion determination. Upon approval to enter final design, FTA provides automatic pre-award authority to incur costs for final design activities, procurement of long lead items such as rail and ties, and demolition. Thus, in order to undertake construction activities a New Starts project sponsor must obtain an LONP from FTA or be awarded a Full Funding Grant Agreement.

***Pre-award authority** allows grantees to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This pre-award spending authority permits a grantee to incur costs on an eligible transit capital, operating, planning, or administrative project without prejudice to possible future Federal participation in the cost of the project.

****Letters of No Prejudice (LONPs)** allow a project sponsor to incur costs using non-federal resources, with the understanding that the costs incurred subsequent to the issuance of the LONP may be reimbursable as eligible expenses or eligible as credit toward the local match only if FTA approves the project for funding at a later date. Federal funding is not implied or guaranteed by an LONP.

Thanks,
Robyn

From: Longo, David (FTA)
Sent: Thursday, September 23, 2010 8:52 AM
To: Sinquefield, Robyn (FTA); Bausch, Carl (FTA); Borinsky, Susan (FTA); VanWyk, Christopher (FTA)
Cc: Day, Elizabeth (FTA); Zelasko, Elizabeth (FTA); Farber, Brian (FTA); Griffo, Paul (FTA)
Subject: RE: Call from Cliff Slater (Honolulu)

Yes. Please provide your recommended answers to us (Brian Farber, Paul Griffo and me) and we'll decide how to answer him and what to provide.

Thanks for your help.

Dave Longo
Deputy Associate Administrator for
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Mobile: (202) 680-9237
Fax: (202) 366-3472

From: Sinquefield, Robyn (FTA)
Sent: Wednesday, September 22, 2010 2:20 PM
To: Bausch, Carl (FTA); Borinsky, Susan (FTA); Longo, David (FTA); VanWyk, Christopher (FTA)
Cc: Day, Elizabeth (FTA); Zelasko, Elizabeth (FTA)
Subject: FW: Call from Cliff Slater (Honolulu)

Hi everyone,

We have received another call from Cliff Slater, who is an opponent of the Honolulu project. I wanted to check with you to see how you think we should respond given that the FEIS comment period has ended.

Although he is a private citizen, he is also a blogger who is published and quoted in the newspapers, and is a potential litigant. Previously, Ted Matley told him to contact TCA. Do we want to take that approach again?

Thanks,
Robyn

From: Ryan, James (FTA)
Sent: Wednesday, September 22, 2010 1:03 PM
To: Sinquefield, Robyn (FTA)
Subject: Call from Cliff Slater

Robyn:

I have a voice-mail message from yesterday that's from Cliff Slater, one of the leading opponents of the Honolulu rail project. He asks this question:

"Does the City need only the ROD to begin construction, or both the ROD and a letter of no prejudice?"

He says that the City has been unclear in their statements on whether they need an LONP.

I think that the answer is "It depends on whether they want to be reimbursed for some of the local funds that they would put into construction prior to an FFGA."

But happily, I don't have to know that answer any more.

I don't think that Cliff knows that I'm not working on the project anymore. Could you make that clear to him when you reply?

Cliff's contact information is:
808-524-5619 (home)
808-285-7799 (cell)
CliffSlater@hawaii.rr.com

Thanks.

Jim Ryan
FTA Office of Planning and Environment
1200 New Jersey Ave., SE; Room E43-301
Washington, DC 20590
james.ryan@dot.gov
202-366-0954