

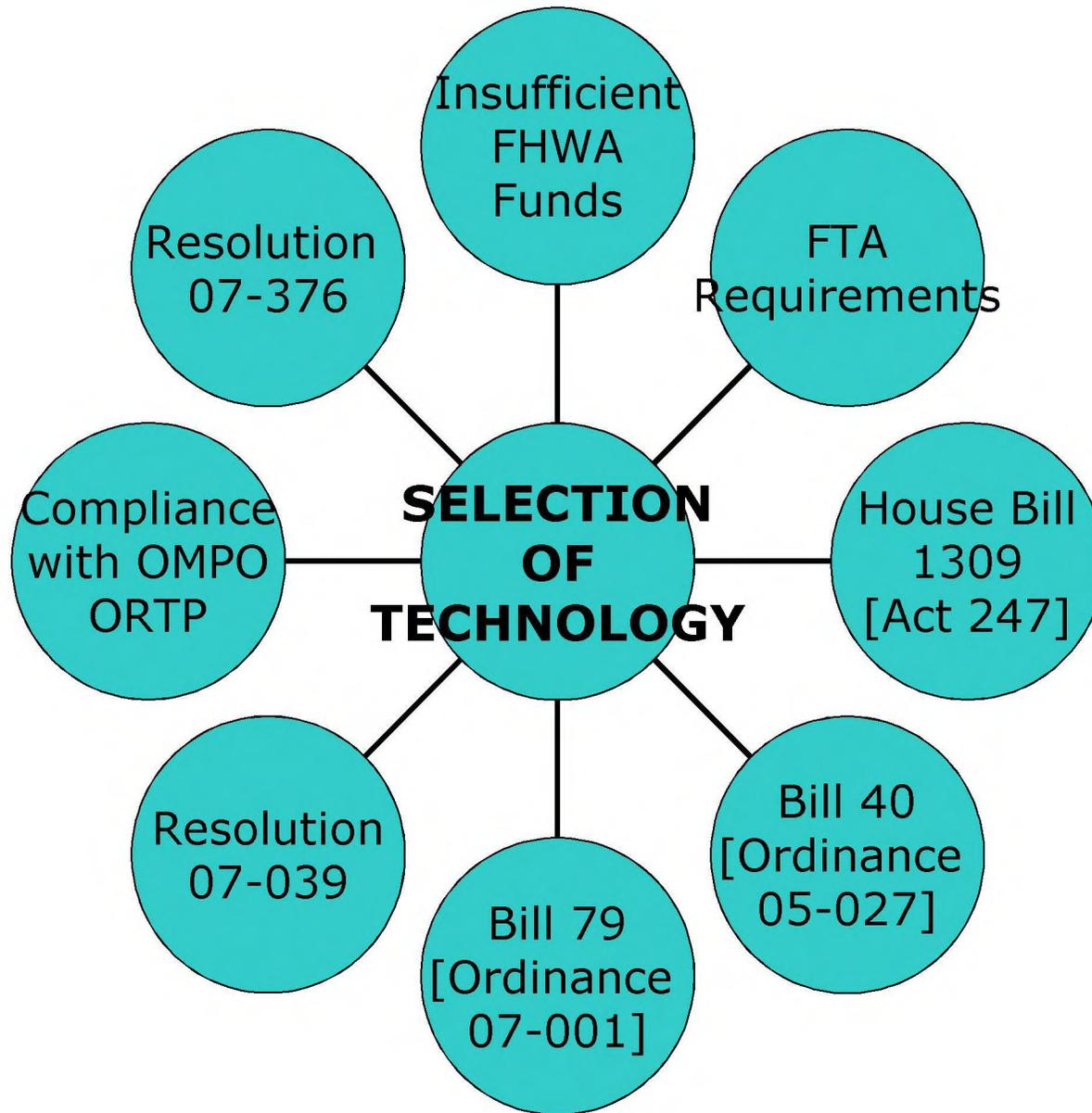
Selection of Technology

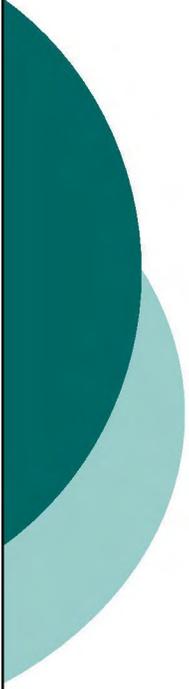
City & County of Honolulu
Transportation and Public Works Committee
February 28, 2008



Selection of Technology

- Not an isolated decision
- Must be made within a set of interrelated actions begun in 2005 .
- Must be technically justified





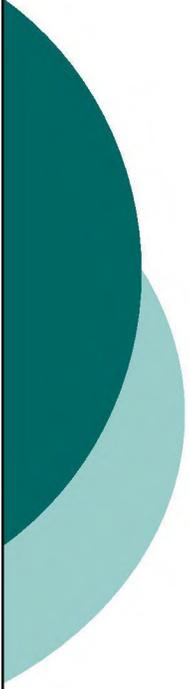
Clarifying the Issues

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- Federal Funding Issues
 - Local Legislative Issues



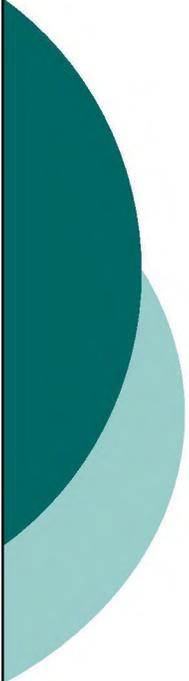
Federal Highway Funds

- All federal highway funds available through 2030 are programmed for highway improvements including:
 - H-1 Widening/Adding HOV lanes/PM Zipper lane
 - New Roadways in Kapolei
 - Road widening
- Total Cost – Over \$3 Billion



Transit Funding - New Starts Program

- A major federal funding program for a fixed guideway system.
- “The New Starts Program provides funds for construction of new fixed guideway systems or extension to existing fixed guideway systems.”

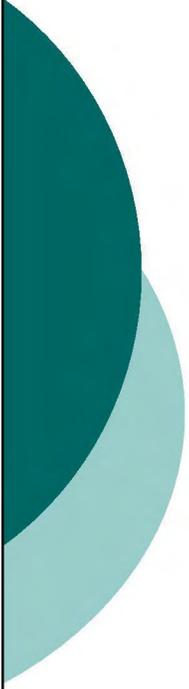


FTA Definitions – Fixed Guideway System

As defined by the Federal Transit Administration:

- “Projects eligible for New Starts funding include any **fixed guideway system** which
 - utilizes and occupies a separate right-of-way, or rail line, for the exclusive use of mass transportation and other high occupancy vehicles, **or**
 - uses a fixed catenary (over head wire) system and a right-of-way usable by other forms of transportation.
- This includes, but is not limited to,
 - rapid rail,
 - light rail,
 - commuter rail,
 - automated guideway transit,
 - people movers, and
 - exclusive facilities for buses (such as bus rapid transit) and other high occupancy vehicles.”

Source: US Department of Transportation, Federal Transit Administration, "Introduction to New Starts"



Local Legislative Issues



Key Legislative Actions

- **HB 1309 passed by full Legislature on May 3, 2005** and became Act 247, Session Laws of Hawaii, Regular Session of 2005.
 - *Addresses "Local Financial Commitment" Requirement of FTA New Starts Program.*
- **Bill 40 approved by Council August 10, 2005** and became Ordinance 05-027.
 - *Addresses "Local Financial Commitment" Requirement of FTA New Starts Program.*
- **Bill 79 approved by Council December 22, 2006** and became Ordinance 07-001.
 - *Addresses "Planning and Project Development Process" Requirement of FTA New Starts Program.*



Key Legislative Actions

Act 247 (2005) & Ordinance 05-027

- Contain language that establishes a one-half percent general excise and use tax surcharge that must be used for “the operating and capital costs of a locally preferred alternative for a mass transit project”, but limits the usage of funds.
 - “The county surcharge on state tax shall not be used to build or repair public roads or highways or bicycle paths, or support public transportation systems already in existence prior to July 12, 2005.”
 - The City’s public transportation systems in existence as of July 12, 2005 (the effective date of Act 247) were:
Bus and Bus Rapid Transit (BRT).

Source: HRS Chapter 46-16.8 (c)



Key Legislative Actions

Ordinance 07-001

- Approves **fixed guideway** as the Council's selection for entry into the FTA New Starts process
 - "The council has received the Alternatives Analysis Report for the Honolulu High-Capacity Transit Corridor Project ("AA"), dated November 1, 2006. The council believes that, in its role as policymakers for the city, a fixed guideway system is the best selection for the long-term needs and demands of our growing island population. Therefore, the council approves a **fixed guideway system** as the **locally preferred alternative**, which will allow the city administration to move forward on the locally preferred alternative."



“The Law is the Law” ...

- Technology selection not a matter of personal beliefs, preferences or marketing pitches, rather the technology selected must fully meet the definitions and conditions set forth by the State Legislature, the Council and the Federal Transit Administration.



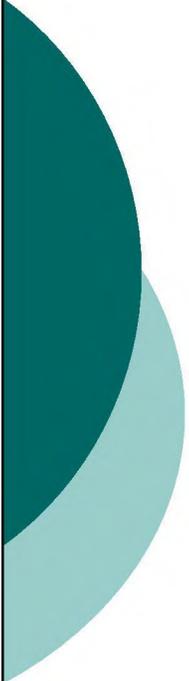
“The Law is the Law” ...

- In as much as the Council acknowledges that Bill 79 (Ord. 07-001) sets forth the requirements for the Council to select technology, it must also acknowledge that the same bill sets forth the Locally Preferred Alternative selection and Bill 40 (Ord. 05-027) sets forth specific restrictions on the technology that can be funded by the GET surcharge.
- **Without the GET surcharge** to fulfill the “Local Financial Commitment” requirement of any New Starts application, FTA will not approve the Honolulu High Capacity Transit Project into Preliminary Engineering and **there is no project to advance** for consideration.



Bill 80 (2006)

- Continues the discussion and actions brought about thus far through the passage of HB 1309 (2005) by the Hawaii State Legislature, and the passages of Bill 40 (2005), Bill 79 (2006), Resolution 07-039 and Resolution 07-376 by the Honolulu City Council.



Changing the Panel's Selection to Rubber Tire on Concrete

- Extreme care and caution must be given by the Council in order to be able refute the findings of transit experts and select a technology that meets all applicable funding and decision making requirements
 - Act 247,
 - Ord. 05-027,
 - Ord. 07-001,
 - FTA New Starts, and
 - US DOT "Buy America" provisions.



Changing the Panel's Selection to Rubber Tire on Concrete (cont.)

- Review of the submitted Requests for Information (RFI), the FTA website and reports, various vendor websites and sales materials show:
 - Two respondees (APTS-Phileas/KRRI & Siemens Irisbus/CIVIS) offer BRT and guided bus technologies that are unable to be funded by GET surcharge as established by State and County laws. They have competed as BRT vendors since 2002 and continue to compete in this field in different jurisdictions as recent as Fall 2007.
 - Two respondees (Translohr & Siemens neoVal) have proprietary technology that may lock Honolulu into a type of system that is not easily expandable for future growth.



Bus, BRT or Busway Solution

- While it may meet FTA definition of 'fixed guideway', it does NOT meet requirements of Act 247, Ordinance 05-027 or Ordinance 07-001.
- Per conditions in the State and County laws, GET surcharge cannot be used.
- Selection of rubber tire on concrete also does not fulfill performance requirements of Locally Preferred Alternative or Minimum Operable Segment selected by Council.



Managed or High Occupancy Toll (HOT) Lanes

- Not a FTA transit solution, considered to be a highway project governed by FHWA
- Responsibility of State DOT to initiate
- Not eligible for FTA New Starts funding
- Does NOT meet requirements of Act 247, Ordinance 05-027 or Ordinance 07-001
- GET surcharge cannot be used



Managed or High Occupancy Toll (HOT) Lanes (cont.)

- Enabling legislation needed to allow county jurisdiction over State highway
- Enabling legislation needed to allow county ability to charge tolls
- Enabling legislation needed to allow county ability to enter into public-private partnerships
- Even with enabling legislation passed, might still not be considered for federal funds as it is a non-funded “illustrative” project in the ORTP.