



RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES TO DETERMINE THE STEPS NECESSARY TO CHANGE THE CITY'S HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT FROM HEAVY RAIL TO LIGHT RAIL.

WHEREAS, on March 15, 2007, the city and the Federal Transit Administration ("FTA") published a Notice of Intent ("NOI") to prepare a draft environmental impact statement ("DEIS") for high-capacity transit improvements in the Leeward corridor of Honolulu, Hawaii (Federal Register, Vol. 72, No. 50, Pages 12254-12257); and

WHEREAS, the NOI states the following:

"The draft EIS would consider five distinct transit technologies: Light rail transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system." (Federal Register, Vol. 72, No. 50, Page 12256);

and

WHEREAS, on January 23, 2008, the council passed Resolution 07-376, CD1, FD1, which established an expert panel to evaluate and make a recommendation for the selection of a transit technology option most advantageous to the city from the following technology options that meet the minimum and standard criteria: steel wheel on steel rail (including both light-rail transit and rapid-rail transit), rubber tire on concrete, monorail, and magnetic levitation; and

WHEREAS, on February 22, 2008, the expert panel, by a majority vote, selected steel wheel on steel rail as the best technology option for Honolulu (Misc. Com. 327, 2008); and

WHEREAS, on April 17, 2008, the Mayor notified the Council of his intent to move forward with steel wheel on steel rail technology in the preparation of the DEIS and preliminary engineering (MM 32, 2008); and

WHEREAS, on August 20, 2008, the Council adopted Resolution 08-166, CD1, FD1, which proposed amendments to the Revised Charter of the City and County of Honolulu 1973, as amended ("charter"), via the following question:



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"Shall the powers, duties, and functions of the city, through its director of transportation services, include establishment of a steel wheel on steel rail transit system?";

and

WHEREAS, on November 2, 2008, just two days before Honolulu voters ratified the charter amendment requiring the Director of Transportation Services to establish a steel wheel on steel rail transit system (YES = 50.6%, NO = 45.7%, Blank = 3.7%), the city released the DEIS via the Department of Transportation Services website; and

WHEREAS, the DEIS notes the following points:

- There is a distinction between light-rail transit, rapid rail, and commuter rail (DEIS, p. 2-1);
- Commuter rail has been rejected, but not light-rail transit (DEIS, p. 2-7, Table 2-2); and
- Rapid-rail transit is designated a steel wheel on steel rail technology, but light-rail transit is (incorrectly) designated a non-steel wheel on steel rail technology (DEIS, p. 2-8);

and

WHEREAS, although the failure to fully evaluate all five technology options in the DEIS as stated in the NOI conflicts with the intent of the federal notice and calls into question whether the DEIS is in compliance with the provisions of the National Environmental Protection Act, the additional failure to reject light-rail transit continues to leave this steel wheel on steel rail technological option available to the city; and

WHEREAS, at a current estimated total cost of \$5.5 billion, the Honolulu high-capacity transit corridor project ("rail transit project") is the most expensive capital project in the city's history; and

WHEREAS, Honolulu taxpayers, through a general excise tax surcharge, are expected to pay up to 80 percent of the rail transit project's total cost over the next ten years; and

WHEREAS, several factors may result in the final cost of the rail transit project increasing significantly, including the following:



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- Legal actions have already been initiated or threatened against the rail transit project, including a lawsuit filed by the Native Hawaiian Legal Corporation, which claims that the city did not complete a required inventory survey of archaeological sites that includes burial sites along the project's designated 20-mile route before starting the project. Other stakeholders such as the Oahu Island Burial Council and the National Trust for historic preservation have claimed that the failure to identify native Hawaiian burials prior to selecting alternatives violates Section 4(f) of the Department of Transportation Act of 1966, which protects Hawaiian burials and other archaeological artifacts. Litigation such as this will result in years of delay and add untold millions to the project in defense costs that will ultimately be borne by the Honolulu taxpayer (Honolulu Star-Advertiser, "Lawsuit claims rail endangers burial sites," 2/2/2011; Misc. Com. 1922, 2009);
- Contracts and subcontracts let by the city raise questions concerning unnecessary and duplicative services, including \$6.3 million being spent for public and government relations and \$1.7 million to hire mainland lobbyists despite the fact that Hawaii's congressional delegation is solidly behind the project (Council Com. 166, 2010);
- An initial \$250 million installment of New Starts funding included in the President's fiscal year 2012 budget is drawing the ire of majority Republicans in Congress, and makes uncertain the receipt of all the \$1.55 billion hoped for from the federal government for the rail transit project. House Appropriations chairman Hal Rogers has recently introduced a resolution that slashes spending for the remainder of the fiscal year, including a 22 percent reduction in New Starts funding. Any shortfall in funding will be made up by Honolulu taxpayers (Honolulu Star-Advertiser, "Obama budget seeks \$250M for Oahu rail," 2/15/2011; KHON2 news report, 2/16/2011); and
- The transfer of funds normally allocated to bus purchases and maintenance to the rail transit project in the city's financial plan shows "very little capacity to absorb cost increases or funding shortfalls and has potentially significant revenues risks," according to the FTA's fiscal 2011 Transit Project Financial Assessment. Shortfalls in federal funding will result in additional shortfalls for Honolulu's bus system as money is shifted to the rail transit project, which means that Honolulu taxpayers will end up footing the bill (Honolulu Star-Advertiser, "City readies plan on rail transit finances," 2/16/2011);



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and

WHEREAS, heavy rail exists in United States metropolitan areas with populations ranging from at least 2.9 million to 21.1 million; by selecting heavy rail, Honolulu will be the only metropolitan area with a population under 1 million to utilize this technology option (Census 2000 PHC-T-3, honolulutraffic.com); and

WHEREAS, light rail often represents significant savings in construction costs, as evidenced in the Phoenix Metro Light Rail, which cost \$1.4 billion for an initial 20-mile line that opened in late 2008 (Wikipedia: "Metro Light Rail—Phoenix"); and

WHEREAS, the Council finds that light rail technology should be seriously considered since it remains a viable steel wheel on steel rail option that could significantly reduce the burden on Honolulu taxpayers during a time of economic hardship and Congressional uncertainty; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the city Department of Transportation Services is requested to determine the steps necessary to change the city's Honolulu High-Capacity Transit Corridor Project from heavy rail to light rail; and

BE IT FURTHER RESOLVED that the Department of Transportation Services is urged to coordinate this process with the Federal Transit Administration, ensure that delays are minimized, and report to the Council on the steps taken to change from heavy rail to light rail no later than thirty days from the adoption of this Resolution; and



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, the Managing Director, the Director of the Department of Transportation Services, and the Director of the Department of Budget and Fiscal Services.

INTRODUCED BY:

Am Kobayashi

DATE OF INTRODUCTION:

FEB 22 2011

Honolulu, Hawaii

Councilmembers

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CITY CLERK
FEB 22 2011