



RESOLUTION

URGING THE MAYOR AND THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO PREPARE A NEW ENVIRONMENTAL IMPACT STATEMENT FOR THE CITY'S TRANSIT PROJECT.

WHEREAS, on March 15, 2007, with respect to the Honolulu High-Capacity Transit Corridor Project ("transit project"), 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 November 2, 2008, the city released the DEIS, which does not evaluate the five transit technologies noted in the NOI; and

WHEREAS, the failure to 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; and

WHEREAS, on June 14, 2010, the city released the final environmental impact statement ("FEIS"), which likewise does not evaluate the five technology options and notes, "The system will use steel-wheel-on-steel-rail technology" (FEIS, p. S-1); and

WHEREAS, on May 12, 2011, a well-known group of rail opponents filed suit in U.S. District Court seeking to invalidate the transit project's environmental impact statement ("EIS") and federal government approval. The plaintiffs accuse the City of violating federal environmental, historic preservation and transportation laws in preparing the EIS, claiming that City officials defined the requirements of the transit project so narrowly as to exclude all reasonable alternatives, such as monorail, light rail and other technologies. One remedy being sought would require the City to prepare a new or supplemental EIS for the transit project; and



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WHEREAS, after the Federal Court heard arguments on August 21, 2012, Ben Cayetano, former Governor and one of the lawsuit's plaintiffs, expressed optimism at the comments of Judge A. Wallace Tashima, who noted at the end of the hearing that should he reach a decision favoring the rail opponents, participants in the lawsuit will need to have additional discussions on appropriate remedies ("Opponents of rail argue case in court," Honolulu Star Advertiser, August 22, 2012); and

WHEREAS, the Council finds that: 1) Federal Judge Tashima will likely rule before the end of this year, 2) There is a high likelihood that the lawsuit will succeed in requiring the City to prepare a new EIS, and 3) That continuing to defend against the lawsuit will result in the continuing expenditure of unjustifiable sums of taxpayer dollars; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Mayor and the Honolulu Authority for Rapid Transportation to prepare a new environmental impact statement for the City's transit project that fully assesses all reasonable alternatives for high-capacity transit; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor and the Chair of the Honolulu Authority for Rapid Transportation Board of Directors.

CITY AND COUNTY OF HONOLULU
CITY CLERK
RECEIVED
SEP 28 2012

INTRODUCED BY:

TOM BERG

DATE OF INTRODUCTION:

SEP 28 2012

Honolulu, Hawaii

Councilmembers