



Hawaii's Thousand Friends

25 Malunu Ave. Suite 102, PMB 282 • Kalaheo, HI 96734 • Phone/Fax: (808) 282-0582 E-mail: htf@

RECEIVED  
MAY 18 8 27 AM '09  
CITY CLERK  
HONOLULU, HAWAII

Budget Committee  
Special Meeting  
May 18, 2009

BILL 16 (2009) CD1  
EXECUTIVE CAPITAL BUDGET AND PROGRAM.

Hawaii's Thousand Friends testifies in opposition to approval of the City Administrations \$1 billion dollar request for project number 2007005 Honolulu High Capacity Transit Project.

The request for funding to build the first phase of the transit project is premature because the Final Environmental Impact Statement has neither been approved under a FONSI (ii) or a final EIS approved and a record of decision signed (iii). In addition, federal funding is impossible without a Letter of Intent (c) which can not be given until certain conditions are met under the *ENVIRONMENTAL IMPACT AND RELATED PROCEDURES (23 CFR part 771) Federal Highway Administration and Federal Transit Administration Effective: April 23, 2009 Title 23: Highways PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES.*

The Administrations request for funding to Plan, design, construct, inspect, relocate, acquire land and equipment for the Locally Preferred Alternative clearly violates §771.113 *Timing of Administration activities* thus making it obvious that the Administration wants the residents of Honolulu to bare the sole burden of paying for this phase of the project. §771.113 *Timing of Administration activities*

(a) The lead agencies, in cooperation with the applicant (if not a lead agency) will perform the work necessary to complete a finding of no significant impact (FONSI) or a record of decision (ROD) and comply with other related environmental laws and regulations to the maximum extent possible during the NEPA process. This work includes environmental studies, related engineering studies, agency coordination and public involvement. **However, final design activities, property acquisition, purchase of construction materials or rolling stock, or project construction shall not proceed until the following have been completed, except as otherwise provided in law or in paragraph (d) of this section:** (emphasis added).

(1)

- (i) The action has been classified as a categorical exclusion (CE), or
- (ii) A FONSI has been approved, or
- (iii) A final EIS has been approved and available for the prescribed period of time and a record of decision has been signed.

(2) For actions proposed for FHWA funding, the Administration has received and accepted the certifications and any required public hearing transcripts required by 23 U.S.C. 128;

(3) For activities proposed for FHWA funding, the programming requirements of 23 CFR part 450, subpart B, and 23 CFR part 630, subpart A, have been met.

**(c) Letters of Intent issued under the authority of 49 U.S.C. 5309(g) are used by FTA to indicate an intention to obligate future funds for multi-year capital transit projects. Letters of Intent will not be issued by FTA until the NEPA process is completed. (Emphasis added)**

Since Letters of Intent to obligate future funds **cannot** be issued until the NEPA process has been completed ((c) above) it is clear that the interest on the requested \$1 billion in General Obligation bonds **will be paid solely by Oahu residents**. In addition, any shortfall from the GET transit collection will necessitate an increase in real property taxes placing further financial burden on Oahu residents. What is the rush?

We urge the Council to not allow the sole financial burden of this phase be on the backs Of Oahu taxpayers and to help ensure that the islands residents, natural, cultural and historical resources are adequately protected by letting the NEPA process proceed and denying the funding for number 2007005 Honolulu High Capacity Transit Project.