

SEAN KIM (HI 1787)  
sklawhi@yahoo.com  
Law Offices of Sean Kim  
1188 Bishop Street, Suite 1210  
Honolulu, HI 96813  
Telephone No. 808.538.1812

WILLIAM K. MEHEULA III (HI 2277)  
meheula@pacificlaw.com  
Meheula & Devens  
Ocean View Center  
707 Richards Street, PH1  
Honolulu, HI 96813  
Telephone No. 808.528.5003  
Facsimile No. 808.254.6872

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HONOLULUTRAFFIC.COM; CLIFF  
SLATER; BENJAMIN J.  
CAYETANO; WALTER HEEN;  
HAWAII'S THOUSAND FRIENDS;  
THE SMALL BUSINESS HAWAII  
ENTREPRENEURIAL EDUCATION  
FOUNDATION; RANDALL W.  
ROTH; and DR. MICHAEL UECHI,

Plaintiffs,

vs.

FEDERAL TRANSIT  
ADMINISTRATION; LESLIE  
ROGERS, in his official capacity as  
Federal Transit Administration Regional  
Administrator; PETER M. ROGOFF, in  
his official capacity as Federal Transit  
Administration Administrator; UNITED  
STATES DEPARTMENT OF  
TRANSPORTATION; RAY  
LAHOOD, in his official capacity as

CIVIL NO. 11-00307 AWT

**DECLARATION OF ANDREW  
ASTOLFI IN SUPPORT OF  
MOTION TO INTERVENE FACE  
ACTION FOR COMMUNITY  
EQUITY, THE PACIFIC  
RESOURCE PARTNERSHIP, AND  
MELVIN UESATO**

(Presiding: The Honorable A. Wallace  
Tashima, United States Circuit Judge  
Sitting by Designation)

Date Action Filed: May 12, 2011  
Trial Date: None Set

Secretary of Transportation; THE CITY  
AND COUNTY OF HONOLULU;  
WAYNE YOSHIOKA, in his official  
capacity as Director of the City and  
County of Honolulu, Department of  
Transportation Services,

Defendants.

I, ANDREW ASTOLFI, declare as follows:

1. I am a resident of Hawai‘i, and I have personal knowledge of the within-stated facts, except those stated upon information and belief, which I believe to be true; and if called as a witness I could and would testify competently thereto.

2. I have lived in Hawai‘i for seven years. I became the Director of Faith Action for Community Equity (“FACE”) in January of 2005. I am currently the State Director of FACE. I was recruited to be FACE’s Director by the Center for Community Change (the sponsoring organization for FACE), and I have directed FACE since 2005. In 2008, FACE was invited to expand to Maui, and I have lived on Maui since November of 2009.

3. FACE is a faith-based grassroots organization that was founded in 1996. FACE has a membership base of twenty-seven institutions on O‘ahu, twenty-four institutions on Maui, and one statewide institution. Taking into account both islands, FACE is made up of thirty eight churches, a Buddhist temple, 2 Jewish congregations, 10 community groups and non-profit organizations, and one labor union. FACE engages in actions that challenge the systems that perpetuate poverty and injustice.

4. FACE exists to allow its members to live out their common, faith-based values by engaging in actions that challenge the systems that perpetuate

poverty and injustice. We balance social, economic, and community activity with a deep spiritual commitment. FACE exercises a theological preferential option for the poor by choosing to defend and advocate for the interests of Hawai'i's low-income population. All of the member institutions of FACE share this same mission, and it unites the work of all our members. FACE seeks to cultivate diversity and economic opportunity in its work with schools, community organizations and its members and supports, funds, and works with community organizations that meet the environmental, social, and economic needs of Hawai'i's residents.

5. In selecting the issues that FACE will act upon, the congregations and other organizations of FACE conduct an annual survey of their individual members to find out what issues are affecting their lives and what conditions they see in their communities which need to be changed. Once this process is completed, FACE identifies the issues that are of the greatest concern, forms committees around those issues, and chooses courses of action. This process allows the member organizations of FACE to address the concerns of their members within their own congregations and organizations.

6. FACE initiated a deep and sustained process, to listen to the concerns of the communities served by FACE and its member organizations and to identify issues for action by FACE. Between January 23 and April 10, 2010, leaders of

FACE's member organizations conducted listening sessions, called "talk stories," all around O'ahu, from North Shore to Waimanalo, Waianae to Hawai'i Kai. This process culminated in an issues dialogue on April 11, 2010, during which time 134 delegates from FACE member congregations prioritized three issues for FACE to address in 2010/2011. One of the priority issues identified in this process included the need for jobs and economic development for the communities served by FACE's member organizations.

7. Two consistent themes emerged from the listening sessions: (1) the need for employment opportunities for communities served by FACE's member organizations, and (2) the need for affordable mass transportation and affordable housing. During our sessions, we heard broad support for the Honolulu rail project ("Rail Project"). Consistently, we heard concerns about traffic, lengthy commuter times, pollution, and overall sustainability issues as reasons to support the Rail Project. Moreover our conversations about affordable housing often included the opportunity the Rail Project presents to alleviate O'ahu's affordable housing crisis and to increase economic opportunity for low and moderate income communities, of which many our members are a part.

8. Separately, the need for good jobs and living wages was a serious discussion that also involved the Rail Project. Many of our members believed that the Rail Project would create jobs and also spur indirect economic development.

9. Moreover there was a strong concern that O‘ahu is increasingly becoming a two-tiered society – where the wealthier people live in East Honolulu and Windward, have shorter commute times, four routes into Honolulu, better air quality, and as result of their shorter commuting times can spend more time with their families. Those living along the H-1, on the Leeward side, including many FACE members, are faced with ever-increasing commute times, traffic congestion and worsening air quality due to the number of cars on the road. This emerging reality is contrary to the central equity mission of FACE, and we believe corrosive to our unique island culture. As Reverend Alan Mark has said, “Rigid class stratification erodes Aloha.” The Rail Project would help alleviate some of these issues by providing affordable mass transit that would cut-down on commute times, decrease traffic, and help improve air quality.

10. Hawai‘i is the most expensive state in the United States to own a car, with the true cost of owning a car approaching \$60,000. A 2007 article found that transportation is the second largest annual expense for American families and that for lower income families, the expense of transportation inhibits wealth creation and home ownership. High transportation costs have a significant effect on families’ long-term financial outlook.

11. FACE has a long history of advocating for affordable housing and has been working for affordable housing in Honolulu for many years and for

transportation investments that will serve low and moderate income populations and that will support provisions of affordable housing. The Housing Committee of the State Senate estimated that there was a need for 28,000 more units to house people already living in Honolulu. Since 2006, the population in Honolulu has increased, and in turn, the need for affordable housing has become more urgent. A study released by the O'ahu Metropolitan Planning Organization in March 2004, "Environmental Justice in the OMPO Planning Process: Defining Environmental Justice Populations" found that there is a significant population of low-income residents that live along the proposed rail route. Therefore, the Project affordable housing that would result from the Rail Project is very much in need.

12. FACE understands the problem of affordable housing and homelessness on O'ahu to be fundamentally connected to the lack of supply of (especially rental) units. There are an estimated 4,234 homeless people in shelters or on the street on any given night on O'ahu, and the homeless numbers are overwhelming service providers and damaging our visitor industry. In addition Honolulu is rated as the least affordable city in the United States for renters by National Center for Housing Policy. FACE has generated policy recommendations, held two forums attended by over 200 people, and released studies linking housing and transit.

13. FACE's members have also voiced concerns about the pollution being created by the increasing traffic in Honolulu and by Honolulu's historic reliance on private automobiles as the primary mode of transportation. There is a significant body of scientific evidence that links pollution from motor vehicles to a wide range of human health problems, including asthma and lung cancer. The health risks associated with highways is particularly acute for low and moderate income communities who live adjacent to highways. Many of FACE's members live in close proximity to H-1. For residents who live next to the highway this is an increasing concern.

14. During the early community discussions for rail, FACE helped organize meetings around Honolulu. FACE began advocating specifically for transit oriented development as a partial solution for O'ahu's housing crisis at its first Housing Forum in 2005. In 2006, FACE's support for the Rail Project led it to join the Transportation Equity Network, a national coalition of community organizations working to create an equity-based national transportation system. During 2006, FACE was among the first groups to testify in favor of a transit authority to govern and oversee the construction of the Rail Project. At this time FACE also began talking about the need for affordable housing to be built into the larger plan for the rail system.



15. Also in 2006, FACE organized turnout of its members to each of the nine council district hearings on the Rail Project. In 2007, FACE met with then-Congressman Abercrombie to explore ways to maximize the production and preservation of affordable housing along the rail route and decided to support the creation of redevelopment zones along the rail corridor.

16. In 2010 FACE received a \$50,000 grant from the Transportation Equity Network to enhance our work on rail and TOD. On June 26, 2010 FACE held a public meeting with over 500 people in attendance where our members rallied to support the Rail Project, as well as the bus system. In October 2010, Reverend Bob Nakata met with Secretary Ray La Hood to reiterate FACE's position in support of rail and to support full funding for the project.

17. In 2011, FACE was again granted \$50,000 from the Transportation Equity Network to continue work on the planning for the Rail Project. Throughout 2011, FACE leaders and staff engaged in the public debate around the need for the Rail Project, appearing on radio and television to defend the project.

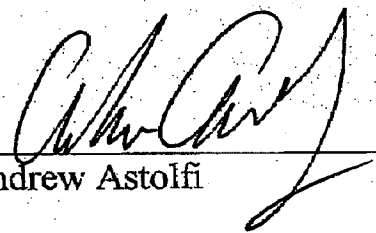
18. On October 4, 2011, FACE held a rally at the Sun Yat Sen statue in Chinatown to demand job creation through infrastructure investments. At the rally, FACE released the results of a first-ever national study that ranked California's success among all 50 states in expanding job access for women and minorities through job training in transportation construction. This study is entitled "The

Road to Good Jobs: Making Training Work,” and was conducted by the Transportation Equity Network. The study documents that job creation efforts will expand opportunity by opening the construction field to those hit hardest by the recession. At the rally, FACE members demonstrated the importance of the Rail Project and urged the immediate construction of the Rail Project.

19. In November 2011, FACE held a second Equity summit that was attended by 250 people and reiterated the need for the Rail Project as an affordable means of transportation and as a means for addressing affordable housing.

I declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing is true and correct.

Executed on January 3, 2012 at Makawao, Hawai'i.

  
\_\_\_\_\_  
Andrew Astolfi