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The Rail Divide: Cliff Slater's Complete Response to Civil Beat

By [Cliff Slater](#) | 10/11/2010

This is part of a series of stories examining the decision to build a rail transit line in Honolulu.

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Here is Cliff Slater's verbatim response to Civil Beat in response to the question, "Did the process that culminated in the current city proposal adequately evaluate what would be the most cost-effective transit solution to best serve the largest number of people? Please explain."



Kimberly Lee

No. The Alternatives Analysis process undertaken by the City distorted every aspect of the Managed Lane Alternative evaluation.

First, the Final EIS gives no reasonable explanation as to why the City removed the zipper lane in the Managed Lane Alternative.

In the City's response to our comments on the Draft EIS, the City wrote that, "... three managed/HOV lanes in the peak direction is (sic) sufficient to satisfy the demand for restricted lanes." However, since demand is a function of price, and Managed Lane toll prices are varied to control demand, this response is absurd.

If demand threatens to decline, the toll price would be dynamically reduced, to zero if necessary, to maintain demand. It is ridiculous to posit that, at the height of the rush hour, there could be insufficient demand with a zero toll price.

Second, the City has not made a credible scientific argument as to how their \$2.6 billion estimate for the Managed Lanes construction cost squares with that amount being twice as much per lane mile as the H-3 freeway, currently the nation's most expensive highway. The real cost should be less than \$1 billion, which would still be more than twice as much as current costs in Florida.

Third, the City did not address our concerns of their inflated operating costs caused by projecting a 50 percent increase in buses over those for the No-Build Alternative while only projecting a 5 percent increase in riders.

Fourth, they made no attempt to justify that 5,400 park-and-ride stalls for the Managed Lane Alternative, with their attendant costs, was at all necessary.

Fifth, they did not attempt to provide facilities to reduce traffic congestion at the downtown terminus of the Managed Lane Alternative.

Sixth, in considering alternatives one of the more important legal requirements is the avoidance of historic properties, including burial grounds. The Section 4(f) statute requires transportation projects to be evaluated at the alternatives analysis stage with an injunction to avoid historical properties if at all possible. The National Trust for Historic Preservation wrote this to FTA on October 22, 2009, Failure to Identify Native Hawaiian Burials Prior to Selecting Alternatives Violates Section 4(f)

We remain extremely concerned by the City's decision to defer detailed identification of historic properties within the Phase 4 alignment, which is the section that has a known high concentration of unmarked Native Hawaiian burials. We have reviewed the letter from the O'ahu Island Burial Council (OIBC), which has unanimously opposed the decision to defer an Archaeological Inventory Survey (AIS) Plan. In our view, the City's decision renders the project legally vulnerable under Section 4(f) of the Department of Transportation Act, pursuant to Corridor H Alternatives, Inc. v. Slater, 166 F.3d 368 (D.C. Cir. 1999).

The City has already stated publicly that it expects a final decision approving the transit project will be challenged in court. In light of this prediction, it is surprising that the City would not act to reduce this legal vulnerability by completing the AIS prior to making a final decision on the project. We urge the Federal Transit Administration (FTA) to consider this issue in the context of its own legal sufficiency review for this project.

Here are three quotations that substantiate our contention that the alternatives have not been objectively studied:

"We have remaining questions about why light rail or bus rapid transit in an exclusive right-of-way were not considered as reasonable alternatives in the DEIS." Environmental Protection Agency letter to the Federal Transit Administration, February 12, 2009.

A public official, Dr. Martin Stone, PhD AICP, Director of Planning for the Tampa Expressway, commenting on the City's evaluation of the Managed Lane Alternative, wrote to the City, "It is completely dishonest to say the elevated HOT lane in your transit alternatives analysis is similar to our elevated reversible lanes. And, it is this dishonesty that results in your HOT lanes costing \$2.6 billion instead of the less than \$1 billion that a true copy of our project would cost."

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Dr. Panos Prevedouros, Professor of Civil and Environmental Engineering at the University of Hawaii, Chair of the Transportation Research Board's Highway Micro-simulations Committee and himself a member of the City Council Task Force, commented to the City, "... the most egregious violation of FTA's rules on alternative specification and analysis was the deliberate under-engineering of the Managed Lanes Alternative to a degree that brings ridicule to prevailing planning and engineering principles."

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Had the City found a credible cost projection for the Managed Lane Alternative, retained the zipper lane, reduced the buses needed to a level commensurate with ridership increases, reduced the park-and-ride stalls to appropriate levels, and recognized that it would be beneficial to avoid an elevated railway/highway through the historic sections of town then the Managed Lane Alternative would have been a clear winner.

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