

February 6, 2009

Part IV — First Project, Phase I, is an illegal segmentation.

Agencies shall not commit resources prejudicing selection of alternatives before making a final decision. 40CFR1502.2[f].

The Locally Preferred Alternative is a major federal action. To have the First Project, Phase I, East Kapolei to Pearl Highlands, under construction before such time as the City is granted a Full Funding Grant Agreement, or even a Record of Decision, or being given a Letter of No Prejudice¹ clearly violates federal regulations on evaluating environmental impacts (23 CFR 771.111(f)), which require that:

In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each environmental impact statement (EIS) or finding of no significant impact (FONSI) shall:

Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and

Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

To build Phase I prior to receipt of a Letter of No Prejudice would violate the regulations. Connecting East Kapolei to Pearl Highlands where the first three of the six stations are in open fields² is not exactly connecting “logical termini” especially as the Kapolei terminus and the next two stations are in open fields, and where for the last half of its six-mile length is in an area of low population density.³

While the Phase I costs, ridership and cost-effectiveness are not detailed in the Draft EIS, it is obvious that it cannot possibly have “independent utility or independent significance.”

For these reasons, the construction of Phase I would be an illegal segmentation.

¹ Spot Report #2, PE Entry Readiness Report, on HHCTCP by Booz Allen, October 2008.

² See video <http://www.honolulustransit.com/video/?id=14>