

February 6, 2009.

Mr. Wayne Y. Yoshioka
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City and County of Honolulu
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Dear Mr. Yoshioka:

Comments on the Honolulu Draft Environmental Impact Statement (Draft EIS)

Our comments on the Draft EIS are attached in seven parts:

- [Part I All reasonable alternatives were not studied.](#)
- [Part II Insufficient consideration of elevated rail impacts.](#)
- [Part III The Locally Preferred Alternative must be studied in the EIS.](#)
- [Part IV First Project, Phase I, is an illegal segmentation.](#)
- [Part V Unjustifiable forecasts.](#)
- [Part VI Strategic misrepresentation in the Draft EIS.](#)
- [Part VII Strategic misrepresentation outside of the Draft EIS.](#)

We find the Draft EIS continues, as did its forerunners, the Oahu Regional Transportation Plan and the Alternatives Analysis, to mislead the public with unclear language, misrepresentations, and omissions of important material so as to position this document as less of an analytical and informative document and more of a selling tool.

Hopefully you will produce a Supplementary Draft EIS that will remedy these misrepresentations, omissions, and unclear language so that it will be clear to the public that,

- You are forecasting traffic congestion to be worse in the future with rail than it is today.
- An elevated rail line traversing the core of our city will have a deleterious effect on our environment.
- There exists a high risk of property taxes being greatly increased to fund the increased operating subsidies and the missed construction cost forecasts.
- The project places undue risks on an already fragile economy.

We find that the City has taken an insufficiently “hard look” at the alternatives that were rejected, at those issues we have discussed herein as misrepresentations in the Draft EIS, and the ridership forecasts, as examples. They are supposed to be dealt with in detail. As one court held,

*... assumptions must be spelled out, inconsistencies explained, methodologies disclosed, contradictory evidence rebutted, record references solidly grounded, guesswork eliminated and conclusions supported in a manner capable of judicial understanding.*¹

We find that the City and Parsons Brinckerhoff have not produced a document that has handled these important environmental issues with the objectivity and scientific rigor that is both needed by the public and is a NEPA requirement.

¹ E. I. DuPont de Nemours & Co. v. Train, 541 F.2d 1018, 1038 (4th Cir. 1976).

In summary, we believe the alternatives analysis is legally insufficient since the Managed Lanes Alternative analysis is so lacking in factual substance that it must fail to give the reader the true meaning of the alternative. Failing to provide accurate and complete information, especially for one of the most important socioeconomic factors — the incredibly high cost to Hawaii's citizens — makes this a faulty document that must be redone.

When the analysis fails to describe the incredibly low cost of the Tampa project when compared to the projected Hawaii costs, one cannot help to wonder why this fact was left out. Socioeconomics has been given very little if any attention in this document and failure to point out the Tampa project was approximately seven times cheaper than this proposed action is problematic and thus the underlying analysis fails.

The people of Hawaii were not given this information and if they were given this information, perhaps the vote may have gone differently. If they had been given this information in this NEPA document, perhaps they would have had more meaningful comments on the proposed action. We will not know unless a new Draft EIS is produced.

The Draft EIS is also simply not readable and thus doesn't give the opportunity for the reader to make meaningful comments. It incorporates by reference 20 studies and the Draft EIS fails to weave a narrative that accurately describes in the NEPA document, as required by NEPA, the true potential impacts that will be caused by the proposed action.

In a less complicated project, perhaps this would be acceptable; but in a proposed \$5 billion project that will displace hundreds of people, condemn homes and businesses, disrupt traffic and Oahu's quality of life, disturb cultural resources, potentially uncover sacred *iwi*, cause financial hardship to hundreds of thousands of people, while disregarding reasonable alternatives, or leaving out key components of other alternatives, is completely unacceptable.

The City and County and the FTA must be held to the standard required by the 9th Circuit, NEPA, and Hawaii State law, and the information presented fails to meet these standards. We request that a Supplemental Draft EIS be undertaken.

Sincerely,
HONOLULUTRAFFIC.COM



Cliff Slater
Chair

CDS/rrs

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