

R711/08-288504



UNITED STATES DISTRICT COURT

CHAMBERS OF
HELEN GILLMOR
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-400
HONOLULU, HAWAII 96850-0400

TELEPHONE
(808) 541-3502
FACSIMILE
(808) 541-3579

November 18, 2008

Mr. Leslie T. Rogers
Regional Administrator
Federal Transit Administration
FTA Region IX
201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

08 NOV 21 3:56
DTS
RAPID TRANSIT

Re: Honolulu Rail Transit System (Honolulu High -
Capacity Transit Corridor Project, 2008/PIM-1);
Security Risk for Federal Court Building

Dear Mr. Rogers:

The undersigned Judges, being all of the United States Judges of the District of Hawaii, write to strongly voice our opposition to the proposed route of the Honolulu Rail Transit System on Halekauwila Street immediately adjacent to the Federal Court Building. The proposed Halekauwila Street route, or any route similarly close to the Federal Courthouse, raises unacceptable severe security concerns - exposing our Courthouse to potential terrorists' gunfire and/or bombing such as occurred in Oklahoma City and within trains in Madrid, or to a lone attack by an individual holding a grudge against a particular Judge. We understand that you have reviewed the initial draft Environmental Impact Statement submitted by the City and County of Honolulu. We believe there are suitable alternative routes other than Halekauwila Street.

On October 16th of this year we met with the Chief of the Rapid Transit Division of the Dept. of Transportation Services of the City and County of Honolulu, Mr. Kenneth Toru Hamayasu, to express our concern of the high security risk to which the Federal

Courthouse would be exposed should the rail transit system run on Halekauwila Street. He informed us that he did not feel there are any viable alternatives to Halekauwila Street and that any change would be highly unlikely and would require Honolulu City Council approval.^{1/} We disagree that there are no reasonable alternatives.

We believe that Queen Street, King Street, Beretania Street, and possibly other streets could be utilized instead. We recognize, as does Mr. Hamayasu, that any route (including Halekauwila Street) presents problems.

We understand from our discussion with Mr. Hamayasu that the guideway structure will be 45 feet above street level and will pass within a mere 45 feet of the Federal Courthouse building. Our Court building is 4 stories high, so the guideway structure will be at the same level as the windows of three Judges' chambers. The guideway structure will be 25 feet wide, providing 2 sets of tracks for trains proceeding in either direction. There will be approximately 50 trains, with a train passing by our Courthouse during rush hours every 3 minutes in each direction. As noted in the draft Environmental Impact Statement, Halekauwila Street is an unusually narrow street. Moreover, currently there is no public transport system along this street.

Subsequent to our meeting with Mr. Hamayasu, we met with the City's security committee. The security committee presented us with its security analysis entitled "Honolulu Rail Transit Project Potential Threats to Federal Court Building from Transit Viaduct", a copy of which is enclosed. The City's security committee acknowledged that this security analysis was prepared only after our earlier meeting with Mr. Hamayasu, and that previously no consideration had been given to the Federal Courthouse's unique security concerns. It was also noted that neither the U.S. Marshal nor any other federal court security representative was previously consulted or even contacted regarding a proposed transit line running along Halekauwila Street adjacent to the Federal Courthouse. The City's security committee also acknowledged that none of the security specialists who participated in preparing its analysis was familiar with security standards for Federal Courthouses.

^{1/} You may be aware that the City Council is considering initially re-routing the rail transit system to run by the Honolulu Airport rather than the Salt Lake community.

The City's security analysis concludes that "the possibility of an assault from the viaduct to the Courthouse is deemed to be most improbable for many reasons"; yet the analysis fails to effectively address our concerns. As an example, our primary concern is detonation of explosives placed inside a train triggered by a cell phone operated by terrorists from a far distance (similar to what occurred in the Madrid attacks). This could be accomplished in a number of ways; such as, several people carrying sufficient explosives boarding a train several stops before the Federal Courthouse and exiting one or two stops before the Courthouse after leaving the explosives on board, or simply by several suicide bombers. Further, the security enhancements suggested by the City's analysis would afford little, if any, protection from a major bomb blast within a passing train.

After the Oklahoma City bombing and the terrorists attacks of September 11, certain security issues affecting the Federal Courthouse were recognized, and concrete berms and planters were placed along Halekauwila Street to impede trucks with bombs from destroying our Court building as happened in Oklahoma City and Lebanon. A cable secured fence was constructed around the lawn area on the northwest side of the Courthouse, and security patrols were implemented.

We are still at war with terrorists who want to destroy us - and will be for years to come. Federal buildings have been prime targets.

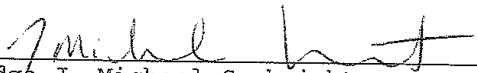
Now the proposed rail transit system on Halekauwila Street would expose the Federal Courthouse to a much greater risk, similar to the train bombings which occurred in Madrid. We urge that you consider this security risk thoroughly, and we request that you require the transit system to utilize a street other than Halekauwila Street.

Please do not hesitate to contact us should you have any questions concerning the above.


Very truly yours,


Chief Judge Helen Gillmor

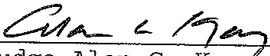

Judge Susan Oki Mollway



Judge J. Michael Seabright



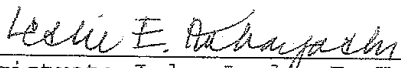
Judge Samuel P. King



Judge Alan C. Kay



Magistrate Judge Barry M. Kurren



Magistrate Judge Leslie E. Kobayashi



Magistrate Judge Kevin S.C. Chang

Judge David A. Ezra has recused himself from consideration of this issue.