



UNITED STATES DISTRICT COURT

CHAMBERS OF
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-409
HONOLULU, HAWAII 96850-0409

TELEPHONE
(808) 541-1720
FACSIMILE
(808) 541-1724

July 8, 2013

Mr. Ted Matley
FTA Region IX
201 Mission St., Ste. 1650
San Francisco, CA 94105

Mr. Daniel A. Grabauskas
Honolulu Authority for Rapid Transportation
City and County of Honolulu
1099 Alakea St., Ste. 1700
Honolulu, HI 96813

Re: Draft Supplemental Environmental Impact Statement
Section 4(f) Evaluation of Honolulu Rail Transit Project

Gentlemen:

On behalf of the United States District Court for the District of Hawaii, I submit that the Draft Supplemental Environmental Impact Statement (“DSEIS”) fails to give adequate consideration to the Beretania Street Tunnel Alternative.¹

In his Order on Cross-Motions for Summary Judgment filed November 1, 2012, Judge A. Wallace Tashima directed that: “Defendants must fully consider the prudence and feasibility of the Beretania tunnel alternative specifically, and supplement the FEIS and ROD to reflect this reasoned analysis in light of evidence regarding costs, consistency with the Project’s purpose, and other pertinent factors. . . . Should

¹ In a letter dated May 30, 2012, I previously submitted reasons that the Halekauwila Street route was neither prudent nor feasible, particularly with respect to still unresolved serious security risks to the United States District Court building presented by the proposed route of the Honolulu Rail Transit Project.

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Defendants determine, upon further examination of the evidence, that their previous decision to exclude the Beretania alternative because it would be imprudent was incorrect, they must withdraw the FEIS and ROD and reconsider the project in light of the feasibility of the Beretania tunnel alternative. . . .” Order at page 27.

The Beretania Street Tunnel Alternative accomplishes the original intended goal of the Honolulu Rail Transit Project, while the Project’s proposed route to the Ala Moana Shopping Center does not. Indeed, under the heading “1.4.1 Purpose of the Project”, on page 12, the DSEIS proclaims: “The purpose of the Honolulu [Rail Transit] Project is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between Kapolei and UH Manoa, as specified in the Oahu Regional Transportation Plan 2030 (ORTP)(OahuMPO 2007).” (Emphasis added.)

Remarkably, the Project’s proposed rail route fails to run along “the highly congested east-west transportation corridor between Kapolei and UH Manoa,” the very corridor expressly identified as the route the Project is intended to serve.

The Project’s proposed rail route does not go anywhere near the UH Manoa campus. Instead, it goes to the Ala Moana Shopping Center! The DSEIS then unrealistically posits that a UH student, after riding the rail to Ala Moana, can transfer to a bus to get to the UH campus and, even including the time spent getting to the bus boarding area and waiting for the bus, arrive within 9 minutes. (See Table 3, page 48 of the DSEIS: Waianae to UH Manoa: Beretania Street Tunnel – 84 minutes; The Project – 93 minutes.)

The DSEIS opines that the Beretania Street Tunnel Alternative will increase the capital cost of the Project by \$960 million (page 61) and add 2 years to its construction duration (page 58). However, the DSEIS fails to opine, or even consider, what the capital cost of the proposed future extension from the Ala Moana Shopping Center to UH Manoa might be. There could be a major cost-saving in implementing the Beretania Street Tunnel Alternative now rather than pursuing a possible two-stage development involving initial construction of the rail route to the Ala Moana Shopping Center and later extension to UH Manoa. In fact, given the economy, sequestration, the loss of Senator Inouye’s influence, and other intervening factors, it is realistic to question whether the extension to UH Manoa will ever be built. It is critical to accomplish the intended purpose of the Honolulu Rail Transit Project “to provide high-capacity rapid transit” by a rail route to UH Manoa now, while we have the best opportunity to do so.

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UH Manoa, with a student body of 20,426, plus professors, administrators, maintenance staff, and others, is a major contributor to Oahu's severe traffic problems. These problems would be significantly improved by the Beretania Street Tunnel Alternative. The Project's proposed Ala Moana route promises nothing close to that improvement. Moreover, the proposed Fort Street Station that is part of the Beretania Street Tunnel Alternative would be in easy walking distance of downtown workplaces. Passage by bus directly to Waikiki could be provided from the proposed Kalakaua Station. Although Kapolei and other areas in West Oahu have shopping centers with both comparable shops as well as many stores offering discounted merchandise, the court understands that passengers from those parts of the island may want to go to the Ala Moana Shopping Center. Those passengers would be able to transfer to buses at the proposed Pensacola Street Station (DSEIS page 20).

The DSEIS suggests that the Beretania Street Tunnel Alternative risks reaching the water table and thereby creating settlement problems (page 45). However, the DSEIS itself acknowledges that any such risk could be significantly mitigated. Indeed, in many other cities tunnels have been successfully and safely constructed at that level. In the alternative, the rail could be elevated above street level, which presumably would be less costly. (HART appears to have rejected a street-level alternative because of vehicular traffic and safety concerns.)

To those familiar with the historic structures in the downtown area, it appears that the DSEIS may well overstate the relative impact the Beretania Street Tunnel Alternative would have on historic buildings as compared to the impact the present proposed route would have. (page 68).

Nor does it appear that the effect the Beretania Street Tunnel Alternative would have on vehicular traffic would be significantly greater than the Project's proposed route along Ala Moana Boulevard and Halekauwila Street (page 61).

It also appears that the Beretania Street Tunnel Alternative would avoid obstructing the view corridors for the Capitol District from Punchbowl to the waterfront as established in Land Use Ordinance Sec. 21-9.30-1.3, which the Project's proposed Ala Moana route would violate (page 20).

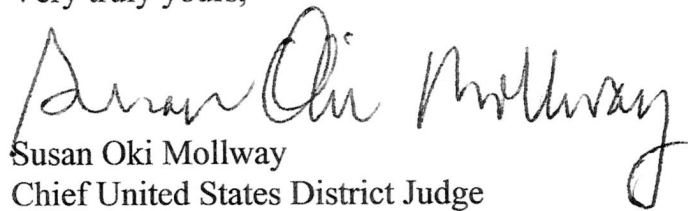
While suggesting that a Beretania Street tunnel might affect some archeological and burial sites, the DSEIS acknowledges that fewer such sites would likely

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be affected because the Beretania Street Tunnel Alternative is further inland than the Project's proposed Ala Moana route (page 57).

In conclusion, the court urges you to recognize that the Beretania Street Tunnel Alternative, which is a more prudent and feasible route for the Project than the route presently proposed, has not been adequately considered in the DSEIS.

Very truly yours,


Susan Oki Mollway
Chief United States District Judge

cc: Matthew G. Adams
Michael Jay Green
David B. Glazer
John P. Manaut
Harry Yee
Peter C. Whitfield
Don S. Kitaoka
Edward V. A. Kussy
Robert D. Thornton
William Meheula
Robert P. Richards
Elizabeth S. Merritt