

ATI *The Alliance for Traffic Improvement*

Seeking cost-effective ways to improve traffic congestion

Press release

Date: Wednesday, October 20, 2004

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On Monday, October 18, ATI filed a request in Honolulu Federal Court for a Temporary Restraining Order (TRO) asking the Court to stop the construction and operation of the BRT project (Project), including the Initial Operating Segment (IOS), until the City and FTA complete the environmental review process under the National Environmental Policy Act (NEPA).

Recent FTA and state actions confirm that the City's continued work on the IOS is illegal, and that if the City begins service of the IOS on November 8 as presently scheduled, that will result in considerable harm to Honolulu residents and the transportation industry through worsened traffic congestion along the IOS route.

The FTA recently took the unprecedented step of rescinding its November 2003 Record of Decision (ROD), which was issued for just the IOS instead of the entire Project. The FTA also has declined to accept the City's application to include the IOS in the state's transportation improvement program (STIP), which is a requirement for the City to obtain federal funding for the IOS. In a letter dated September 17, 2004, the FTA told the City that, "[t]he IOS project is ineligible for FTA funding" and that the City's action "precludes further FTA participation in the IOS project."

The City has publicly suggested that Senator Daniel Inouye moved to preserve FTA funds for the Project but the Senator's office has clarified that the funds cannot be used for the IOS.

ATI filed a lawsuit in federal court in November 2003 to stop the City and the FTA from proceeding with the IOS before environmental review for the entire Project is complete. The TRO motion filed on Monday argues that it is illegal for the City to continue work on the IOS without a ROD in place justifying any part of the Project. Further, operation of the IOS as a locally-funded segment in order to avoid the requirements of federal law constitutes illegal segmentation of the Project. The TRO also argues that if the City chooses to operate the IOS and no other part of the Project, it must prepare a supplemental environmental impact statement (EIS) for the standalone IOS as required by NEPA. Since recent events have confirmed that the segment of the Project servicing the route between Kapolei and Downtown will not be built, no work on the IOS may continue without a supplemental EIS.

Further details regarding the above are discussed in the attached ["TRO Application — Supplemental Press Release"](#) and on our website, <http://www.honolulutraffic.com/>