



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

**Statement of**  
**Congressman Neil Abercrombie**  
**First District of Hawaii**  
**February 6, 2008**  
**To The**  
**Hawaii State Senate Committees on**  
**Transportation and International Affairs**  
**Intergovernmental and Military Affairs**  
**Economic Development and Taxation**  
**Regarding**  
**SB3213**

Thank you Chairman English, Madam Chair Inouye, and Madam Chair Fukunaga for this opportunity to submit my testimony on SB3213.

SB3213 would require the City and County of Honolulu to make a decision on the technology for a fixed guide way system by June 30<sup>th</sup> of this year or face the suspension of the General Excise Tax (GET) surcharge collection.

I believe that it is premature to make such a dramatic move. It is my understanding that the Federal Transit Administration (FTA) regularly monitors the progress of the City and County of Honolulu on the rail transit project. And, I am told that the process is on schedule and on track. Additionally, as a Member of Congress seeking funding for the project, I am satisfied that a deliberate conclusion is being advanced.

Yes, there is still a decision to be made and a case to be put forward for the various technologies but that is a normal part of process. The fact that there are ongoing arguments about the technology does not mean that the timing is off track. The course we are on keeps the project moving forward in accord with FTA timelines.

Therefore, it makes sense at this stage that the bill be held. As elected officials, let's instead reiterate our strong commitment to a modern mass transit system for Hawaii.

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MUFI HANNEMANN  
MAYOR



February 5, 2008

The Honorable J. Kalani English, Chair  
and Members  
Committee on Transportation and International Affairs  
Senate  
State Capitol  
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Intergovernmental and Military Affairs  
Senate  
State Capitol  
Honolulu, Hawaii 96813

The Honorable Carol Fukunaga, Chair  
and Members  
Committee on Economic Development and Taxation  
Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs English, Inouye, and Fukunaga and Committee Members:

Senate Bill No. 3213 established two deadlines requiring action by the City and County of Honolulu. The first requires a decision to be made on the technology of the fixed guideway system by June 30, 2008. The second requires the award of contracts for the technology by December 31, 2008.

We have no objection to the first deadline, the choice of a technology by June 30, 2008.

The second deadline, December 31, 2008, however, cannot be achieved because of constraints imposed by environmental laws, specifically Chapter 343, Hawaii Revised Statutes, and the National Environmental Policy Act. These laws do not allow implementation of a

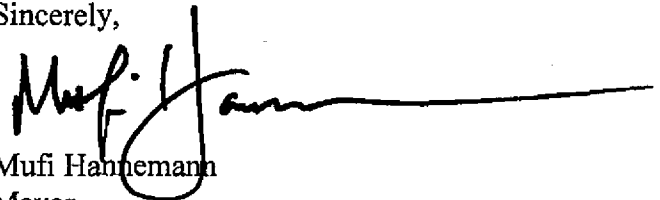
project until a Final Environmental Impact Statement is completed and accepted by the Governor of the State of Hawaii pursuant to Chapter 343, and until a Record of Decision is issued by the Federal Transit Administration pursuant to the National Environmental Policy Act. The award of a contract for the purchase of transit technology would constitute a project implementation action under these laws.

The City and County of Honolulu and the Federal Transit Administration are jointly engaged in the preparation of an Environmental Impact Statement pursuant to Chapter 343, Hawaii Revised Statutes, and the National Environmental Policy Act. An Environmental Impact Statement Preparation Notice, for the state process, and a Notice of Intent to Prepare an Environmental Impact Statement, for the federal process have been issued. Our current schedule anticipates the release of a Draft Environmental Impact Statement in September 2008. Following the release of the Draft Environmental Impact Statement and receipt of comments on it, a Final Environmental Impact Statement will be prepared. Our current schedule anticipates that the Final Environmental Impact Statement will be released and a Record of Decision issued in 2009. Following this, a contract will be awarded for the purchase of transit vehicles in late 2009 or early 2010.

For this reason, we oppose this provision of Senate Bill No. 3213 that establishes a December 31, 2008 deadline for award of a technology contract or contracts.

Mahalo.

Sincerely,

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Mufi Hannemann  
Mayor

# **Chronology**

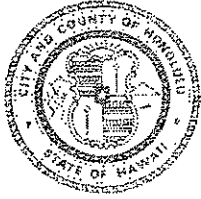
- |                          |   |
|--------------------------|---|
| July 2005                | State's Enabling Legislation for Transit-Dedicated Tax    |
| August 2005              | City Ordinance enacted the Transit Tax (Ordinance 05-027) |
| August 2005              | Alternatives Analysis Initiated                           |
| October 30, 2006         | Alternatives Analysis Report submitted to City Council    |
| November & December 2006 | Public Hearings on the Alternatives Analysis              |

## **Chronology (continued)**

- |                   |   |
|-------------------|---|
| December 22, 2006 | City Council selects Fixed Guideway as Locally Preferred Alternative, including alignment for project |
| February 27, 2007 | City Council selects First Project for Implementation, from East Kapolei to Ala Moana Center.         |
| March 12, 2007    | Notice of Intent to Prepare an EIS Issued   |
| December 5, 2007  | Vehicle technology RFI posted   |
| January 24, 2008  | Deadline for RFI submissions – 12 responses received  |

# Upcoming Milestones

- Feb 2008 - Select Fixed Guideway Technology
- Spring 2008 - Enter Preliminary Engineering
- Sept 2008 - Release DEIS
- Oct 2008 - Issue Procurement Documents for Phase 1 Design/Build
- Dec 2008 - Issue Procurement Documents for Transit Vehicles
- June 2009 - Release FEIS
- Oct 2009 - ROD and Issue NTP to Selected Design Build Contractor for Phase 1
- Feb 2010 - Issue Notice To Proceed for Transit Vehicles
- Summer 2010 - Enter Final Design for Phase 2
- Spring 2011 - Full Funding Grant Agreement



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

February 5, 2008

The Honorable J. Kalani English, Chair  
Senate Committee on Transportation and  
International Affairs  
The Honorable Lorraine R. Inouye, Chair  
Senate Committee on Intergovernmental and  
Military Affairs  
The Honorable Carol Fukunaga, Chair  
Senate Committee on Economic Development and  
Taxation  
State Capitol Building  
Honolulu, Hawaii 96813

Dear Chairs English, Inouye, Fukunaga and Members of the Committees:

Subject: S.B. 3213 – Relating to Transportation Funding

Thank you for the opportunity to provide further information on Senate Bill 3213.

Although, we are in support of any decision the Committees recommend, as members of the Honolulu City Council, we would like to point out that due to the recent formation of a technology panel, there has been no public participation in the selection process.

On December 22, 2006, the Council adopted Ordinance 07-001, which in addition to choosing the locally preferred alternative, also gave the Council the authority to select the technology for the fixed guideway system. While we are in favor of a mass transit system and are not trying to delay the project, we are wary that the establishment of a non-elected panel will not be held to the same standards of ethics, transparency, and accountability as all elected officials.

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February 5, 2008  
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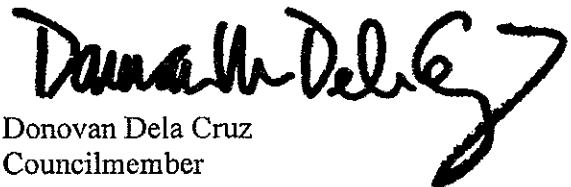
Without accountability, the panel selection does a great disservice to our taxpayers and to the State Legislature, which granted the increase in the general excise tax to the City. The City Council will not have opportunity to ask questions, receive status reports or provide information to the public on the selection process and evaluation.

The people have the right to know the details being discussed among panel members when it limits open government and free discussion, and especially when it involves \$6 billion taxpayer dollars.

Respectfully submitted,



Ann H. Kobayashi  
Councilmember  
District V



Donovan Dela Cruz  
Councilmember  
District II





**AIA Hawaii State Council**  
A Council of The American Institute of Architects

TIA/IGM/EDT  
2/6/08  
3:40 pm

February 6, 2008

Honorable J.Kalani English, Chair  
Senate Committee on Transportation & International Affairs  
Honorable Lorraine R. Inouye, Chair  
Senate Committee on Intergovernmental & Military Affairs  
Honorable Carol Fukunaga, Chair  
Senate Committee on Economic Development & Taxation

Re: **Senate Bill 3213**  
**Relating to Transportation Funding**

Dear Chair English, Chair Inouye, Chair Fukunaga and Members of the  
Committees,

My name is Daniel Chun, Government Affairs Chair of The American Institute of Architects (AIA). AIA is making **COMMENTS** on SB 3213 that imposes very strict deadlines on the City & County of Honolulu for selecting and procuring transit technology – or forfeit the funding to the state highway fund.

AIA public policy is in support of mass transit as a transportation choice and as an important feature of sustainable communities. While AIA has offered specific concerns related to some design features of the proposed system, we are in general support of building a mass transit system for Honolulu.

Because procurement of goods and services is an administrative function, we urge the state legislature to give careful consideration to comments of the City & County of Honolulu with respect to the language of this bill. Thank you for this opportunity to present **COMMENTS** for SB 3213.

Cc: AIA Honolulu Chapter

A handwritten signature in black ink, appearing to read "Daniel Chun", is located at the bottom right of the page.