



## RESOLUTION

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URGING THE MAYOR AND THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO PREPARE A NEW ENVIRONMENTAL IMPACT STATEMENT FOR THE CITY'S TRANSIT PROJECT.

WHEREAS, on March 15, 2007, with respect to the Honolulu High-Capacity Transit Corridor Project ("transit project"), the City and the Federal Transit Administration ("FTA") published a Notice of Intent ("NOI") to prepare a draft environmental impact statement ("DEIS") for high-capacity transit improvements in the Leeward corridor of Honolulu, Hawaii (Federal Register, Vol. 72, No. 50, Pages 12254-12257); and

WHEREAS, the NOI states the following:

"The draft EIS would consider five distinct transit technologies: Light rail transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system." (Federal Register, Vol. 72, No. 50, Page 12256);

and

WHEREAS, on November 2, 2008, the city released the DEIS, which does not evaluate the five transit technologies noted in the NOI; and

WHEREAS, the failure to evaluate all five technology options in the DEIS as stated in the NOI conflicts with the intent of the federal notice and calls into question whether the DEIS is in compliance with the provisions of the National Environmental Protection Act; and

WHEREAS, on June 14, 2010, the city released the final environmental impact statement ("FEIS"), which likewise does not evaluate the five technology options and notes, "The system will use steel-wheel-on-steel-rail technology" (FEIS, p. S-1); and

WHEREAS, a well-known group of rail opponents have filed suit in U.S. District Court seeking to invalidate the transit project's environmental impact statement ("EIS") and federal government approval. The plaintiffs accuse the City of violating federal environmental, historic preservation and transportation laws in preparing the EIS, claiming that City officials defined the requirements of the transit project so narrowly as to exclude all reasonable alternatives, such as monorail, light rail and other technologies. An injunction is being sought that would require the City to prepare a new or supplemental EIS for the transit project; and



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WHEREAS, Randy Roth, law professor and one of the lawsuit's plaintiffs, expressed optimism at the required Federal response to the lawsuit, noting that Federal attorneys failed to put forth any new information to defend the EIS and admitted lacking knowledge or information about nearly a dozen reasonable and prudent alternatives to the current system ("Honolulu Rail Opponents Have No Case, Feds Say," Honolulu Civil Beat, 8/14/2011); and

WHEREAS, the Council finds that there is a high likelihood that the lawsuit will succeed in requiring the City to prepare a new EIS, and that continuing to defend against the lawsuit will result in the expenditure of unjustifiable sums of taxpayer dollars; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Mayor and the Honolulu Authority for Rapid Transportation to prepare a new environmental impact statement for the City's transit project that fully assesses all reasonable alternatives for high-capacity transit; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor and the Chair of the Honolulu Authority for Rapid Transportation Board of Directors.

INTRODUCED BY:

TOM BERG

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DATE OF INTRODUCTION:

SEP 19 2011  
Honolulu, Hawaii

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Councilmembers