

Beyond H-3: the mayor replies to governor

An open letter to Gov. George Ariyoshi:

We read your letter to The Honolulu Advertiser giving your views of "Why we still need H-3." You argue that "Environmentally, the state has complied with all laws in every stage of building Oahu's network of H-1, H-2, and H-3."

That may be true, but the court ruled otherwise — and no appeal procedures are left.

1. The Ninth Circuit Court ruled that the state cannot proceed until they have clearly demonstrated there are no prudent and feasible alternatives to H-3 (such as improvements to Pali and Likelike).

2. The Ninth Circuit Court's decision was based upon the Supreme Court case, Overton Park vs. Secretary Volpe, and the Supreme Court has refused to hear an appeal on H-3 because of its previous opinion.

3. A waiver to Section 4(f) of the Federal Transportation Act has

never been given for a federally funded highway project.

Therefore, to continue to fight for H-3 seems futile and a high risk for losing all of the federal funds. A more logical course of action is to agree upon a substitute plan as soon as possible to secure the estimated \$717 million. Our congressional delegation in their March 11 letter to you advised, "We strongly encourage you to plan for negotiations with city and county officials to determine alternative uses for the H-3 funds."

Whether we use federal funds for H-3, or for substitute highway projects, there are no "automatic" guarantees. But a substitute program definitely entitles us to use the \$717 million, and Senator Stafford's offer to guarantee this by writing it into the legislation is very helpful. This is a good deal for Hawaii. Senator Stafford's extraordinary offer to include the conditions of our withdrawal and substi-

tute program in the proposed legislation should be accepted.

The rest is up to us. We must begin to file applications for using these funds, as we do with all of our highway and transit projects today. But as you and I know, well-thought-out projects and competent technicians can assure us that our projects will be approved.

To the average reader this might sound like technical and political mumbo jumbo, and perhaps it is. That is why you have almost 800 employees in the highways division of the state Department of Transportation to work on these projects. That is why we depend on the seniority of Senator Inouye and Congressman Akaka to use their influence as members of the important Senate and House appropriations committees to assure us that we will get the funds to which we are entitled.

Meanwhile, we need to get input from the community, from Neigh-

borhood Boards, from businessmen and women, from contractors and from City Council. That is why we need to act now.

I am confident that if Senators Inouye and Matsunaga work with Senator Stafford, we will get the funds to which we are entitled. These three senators make a formidable team to represent our interests and we should jump at Senator Stafford's offer.

You are correct when you say I have changed my position. I am a realist and we have been given clear and irrefutable evidence from Senator Stafford that a waiver to the Section 4(f) will not be given for H-3 — not because of the city's opposition — but because of the powerful opposition of all of the national environmental groups who were alarmed by Hawaii's attempt to set a precedent which would work against their long-standing interests. Because of this large and influential lobby, a Section 4(f)

waiver has never been given for a federally funded highway project and we are not likely to be the first.

You mentioned that "the state has many projects already planned which would be acceptable for funding." I presume you are aware that the law is very clear — H-3 substitute funds must be spent in Honolulu and the governor and mayor must agree on the projects. Cities have for too long been second-class citizens on decisions relating to the use of scarce federal transportation funds. We want and intend to participate in decisions on how those funds are to be utilized. That's what the substitution program is all about.

I sincerely hope that in spite of any previous personal politics we can sit down and take whatever action is necessary to preserve the use of over \$700 million for a substitution program.

FRANK F. FASI