

H-3 exemption wins a round, but more hurdles yet to come

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A U.S. House of Representatives subcommittee yesterday approved language that would allow the long-delayed H-3 Freeway to be completed.

But several major congressional obstacles remain, and opponents of the trans-Koolau project believe H-3 can be killed in the Senate.

The surface transportation subcommittee of the House Public Works Committee backed language that exempts H-3 from federal environmental laws, the so-called "4(f)" provisions. The exemption, an amendment to the highway act, is scheduled to be considered by the full committee next Wednesday.

Without a 4(f) exemption, the freeway cannot be completed.

"Judging from today's action, it is quite clear that the sub-

committee recognizes the extraordinary nature of the H-3 controversy, and supports the state of Hawaii's efforts to complete construction of the highway," Hawaii Rep. Daniel Akaka said yesterday in a statement.

But Honolulu attorney Boyce Brown yesterday said the real fight was in the Senate. Brown's numerous legal challenges to H-3 have been instrumental in delaying the project.

The transportation subcommittee of the Senate Environment and Public Works Committee is considering its own exemption amendment.

"As of this moment, the votes are there (in the subcommittee) to make H-3 a reality," Hawaii Sen. Daniel Inouye said yesterday. He expects the full committee to consider the issue within a month.

Brown believes the subcommittee vote will be close, per-

haps by a vote. But he believes the full Senate committee will kill the amendment.

That view is backed by Steven Montgomery, president of the Oahu Chapter of the Conservation Council of Hawaii. Montgomery has been in Washington lobbying against H-3.

The committee chairman, Sen. Robert Stafford, R.-Vt., recently said he did not think the H-3 exemption would get out of the committee.

In 1984, the 9th U.S. Circuit Court of Appeals ruled that H-3's proposed route next to Kaneohe's Hoomaluhia Park would violate federal noise and air pollution laws. The U.S. Supreme Court declined to review an appeal of the case.

The only way H-3 can be completed is if Congress takes the unusual step of exempting the freeway from those regulations.