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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

December 28, 2016

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the House of
Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Souki and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Leeward Bikeway Report as requested in House Concurrent Resolution 169.

In accordance with HRS 93-16, I am also informing you that the report may be viewed electronically at: <http://hidot.hawaii.gov/library/reports/reports-to-the-legislature/>

Sincerely,

A handwritten signature in blue ink, appearing to read "Ford N. Fuchigami".

FORD N. FUCHIGAMI
Director of Transportation

CC: Legislative Reference Bureau

DEPARTMENT OF TRANSPORTATION'S
REPORT TO THE LEGISLATURE
OF
THE STATE OF HAWAII
REQUIRED UNDER
HOUSE CONCURRENT RESOLUTION NO. 169
2016 LEGISLATURE

PROGRESS REPORT: "LEEWARD BIKEWAY"

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
DECEMBER 2016

Leeward Bikeway Project

The Hawaii Department of Transportation (HDOT), Highways Division is currently in the environmental clearance phase for the project. A Section 106 consultation group consisting of members of HDOT, the State Historic Preservation Division (SHPD), Federal Highway Administration (FHWA), Hawaiian Railway Society (HRS), Historic Hawaii Foundation (HHF), and Hawaii Bicycling League (HBL) has been meeting every few months (6 times since November 2015) to identify, assess, and address Section 106 impacts that are anticipated to result from the Leeward Bikeway project.

To provide some context, the project consists of two phases. Phase 1 is relatively uncomplicated as it is only 4 miles long; much of it co-located on an existing privately owned path outside of the Oahu Rail & Land Company (OR&L) right-of-way (ROW); no active train ride will compete with the proposed bike use (please note that train operations are not integral to compliance with Section 106); and the Phase 1 limits are not on the National Register because most of the rail infrastructure no longer exists. However, Phase 2 has several challenges:

- HRS's active route runs within the Phase 2 limits. HRS's baseyard is also located in Phase 2. This decreases the amount of room for the bike path within the ROW.
- The entire bike path in Phase 2 will be constructed by this project (there are no pre-existing segments that are expected to be used at this time).
- A majority of the Phase 2 limits is on the National Register (meaning most of the rail and appurtenances retain historic integrity).
- A portion of the bike path is along the coast (which presents greater potential for endangered species and archaeological issues).
- Phase 2 is approximately twice as long as Phase 1.
- Utility poles are within the ROW for a significant stretch within the Phase 2 limits, which reduces the available space for the bike path to be constructed in the deeded property. Therefore, additional ROW will need to be acquired.

The 2000 Chapter 343 Environmental Assessment had a Finding of No Significant Impact and a Chapter 6E determination of “no effect.” At that time, HDOT was unaware of the deed conditions, and therefore believed that the National Historic Preservation Act, Section 106 was not triggered.

Since then, the deed was found, and HDOT initiated Section 106 consultations. Parties to the 106 disputed the “no effect” determination and after further research, HDOT agreed to an

“adverse effect” determination for the project, based on the proposed demolition of two historic bridges.

Over the past year, HDOT has made significant progress in advancing the Section 106 clearance. Input from the consulting parties has enabled HDOT to develop a design proposal and Section 106 mitigation measures that are sensitive to their concerns. As a result, there is agreement on the following major mitigation measures: historic documentation for the demolished bridges, salvage of materials from the demolished bridges to serve as educational display pieces in HRS’s baseyard, installation of interpretive signage (as necessary to mitigate the project’s effects), minimization of new railroad crossings by the bikeway project, incorporation of design elements consistent with Hawaii’s railroad era for new and replacement bridges.

However, shared uses (i.e., utilities, historic properties, recreational train operations) within the ROW will require revisions to the Phase 2 design in order to construct a bike path that complies with current guidelines and provides a safe facility for the users. This includes the potential acquisition of ROW outside of the deeded former OR&L ROW. The Area of Potential Effect (APE) will need to be expanded to include the newly designated areas. In addition, some previously studied areas will need to be revisited due to the identification of a significant length of rock walls/berms near Tracks Beach.

Until the environmental clearance has been secured for the both phases of the project, Federal funds for construction cannot be obligated for either phase. So to move forward towards that goal, HDOT is currently taking the following actions:

1. Revise Scope of Work = Identify all work within and outside of the ROW including activities that create temporary and permanent changes to the area, both inside and outside the former OR&L ROW. Potential construction methods will be considered. In addition, mitigation measures that have been proposed (e.g., new and replacement bridges, interpretive signs as mitigation for effects, concrete railings on the retaining walls, etc.) will be accounted for as well. Lastly, potential alternative alignments to avoid impacts to known historic properties will also be included in the potential scope of work.
2. Develop the APE = The boundaries of the APE will be determined by the potential indirect and direct impacts of the revised scope of work. This will include property adjustment areas, utility relocation parcels, construction parcels, permanent acquisitions to construct bike path, easements, etc. Geographic and topographic issues will also be considered when developing the APE.

Once these two steps are complete, a comprehensive coordination of the design with the historic property concerns will be conducted and additional mitigation measures (if necessary) will be developed. After a Section 106 process is concluded, other environmental documentation can be updated and/or re-evaluated and the design for Phase 1 will be finalized. At this time, it appears that it will conservatively take another 12 to 15 months to advertise the Phase 1 construction package.

