

**MINUTES**  
**PUBLIC WORKS COMMITTEE**  
**September 12, 2007**

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Mel Rapozo, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, September 12, 2007, at 9:12 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum  
Honorable Shaylene Iseri-Carvalho  
Honorable Ron Kouchi  
Honorable JoAnn A. Yukimura  
Honorable Bill "Kaipo" Asing, Ex-Officio Member  
Honorable Jay Furfaro, Ex-Officio Member

EXCUSED: Honorable Mel Rapozo

Minutes of the August 15, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Iseri-Carvalho, and unanimously carried, Minutes of the August 15, 2007 Public Works Committee Meeting was approved.

The Committee proceeded on its agenda item as shown in the following Committee Reports which are incorporated herein by reference.

**CR-PW 2007-21:** on Bill No. 2234      AN            ORDINANCE            AMENDING  
ORDINANCE NO. B-2007-657 AS  
AMENDED, RELATING TO THE CAPITAL  
BUDGET OF THE COUNTY OF KAUA'I,  
STATE OF HAWAI'I, FOR THE FISCAL  
YEAR JULY 1, 2007 THROUGH JUNE 30,  
2008, BY REVISING THE SURPLUS  
ESTIMATED IN THE GENERAL FUND  
(\$300,000 - Kapaia Bridge Replacement)  
**[Received for the record.]**

**PW 2007-3** Communication (2/15/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to give an update and status report on the County's bicycle/pedestrian pathway project which encompasses various segments from Ahukini to Anahola.  
**[This item was deferred.]**

SHAYLENE ISERI-CARVALHO, VICE CHAIR, PUBLIC WORKS COMMITTEE: Is Donald Fujimoto here?

RONALD KOUCHI: They have testimony.

JOANN A. YUKIMURA: I'm sure Mr. Mickens has testimony.

Ms. Iseri-Carvalho: Can we have staff call Mr. Fujimoto, and in the meantime what I'll do is suspend the rules. Public testimony at this time. Mr. Jay, I think it's important for your testimony for the County Engineer to be present to hear it, and therefore if you wouldn't mind deferring to Mr. Mickens, he's present, until the County Engineer gets here. Okay, thank you.

There being no objections, the rules were suspended.

GLENN MICKENS: Good morning Councilmembers, thank you Shaylene.

Ms. Iseri-Carvalho: Welcome back.

Mr. Mickens: I'm sorry...thank you. I'm sorry that Mel can't be aboard, but I hear he is progressing well and certainly wish him the best, and I hope to see him here next week. Anyway you have a copy of my testimony, let me please read it for the record. Most anything I say about 2007-3 will be repetitious, since this item has been on the agenda for so long. However, I must once again compliment Councilmembers Rapozo and Iseri-Carvalho for their diligence and fortitude in keeping this hot button item active, so that the problems associated with this path can be addressed and seen by the public. We are spending obscene amounts of time, money, and manpower on a project that will be a recreational vehicle that will benefit few of the total amount of people on Kaua'i. This waste of this valuable assets could be spent on so many needy projects that would benefit the masses, but the powers that be can't seem to put their priorities in the right order. We still have the 25 questions that Mel and Shaylene asked the Administration long ago, and with all due respect to Councilman Bynum I don't remember hearing good, clear answers to them. These questions, as well as others I've asked are very good ones and definitely need answering in a slow, understandable way. In fact I have the 25 questions from Mel to Donald and Doug dated June 1, 2007 and I made notes by them saying that answers would be forthcoming on I think at least 90% of them or more, and to date none have been addressed. Another important question has been asked and there has never been a documented answer given is whether or not a segment A can be done on this path. Councilman Bynum wrote a good article, which I thought was excellent Tim on the 9/10 *Garden Island* regarding the Superferry, and I believe that a point he made about the Superferry is just as relevant to this path. He said "it is a reasonable position that an EA, EIS will have to be done for the whole project". Whole project, I underlined, including Nāwiliwili and the State harbors involved. In other words, Tim's position seems to logically be

that an EA, EIS can't be done on a segment of the ferry project, and it must be done on wherever the ferry lands. This does make sense and I believe that this same logic or law must be extended to the bikepath, and I would hope that if Doug has the evidence to the contrary, he can show it to us. I would hope that once and for all Doug or Donald can show us on a map exactly where this path will go and what hurdles must be crossed to make it a reality. The horse segment with the retaining wall, the wall by the golf course that Kaipō has brought up over and over, the huge Oceanit study by the addressed...to be addressed and realistically can this segment and path ever become a 16 to 23 mile solid route as has been outlined to the federal government. And again I know the work that Shaylene has done on this Oceanit thing alone, which is tremendous, and I'm sure that will come up later. So, anyway, that's my testimony. Thank you.

Ms. Iseri-Carvalho: Thank you. Jonathan?

JAY FURFARO, EX-OFFICIO COMMITTEE MEMBER: You need to be in front of the mike and introduce yourself please.

JONATHAN JAY: Good morning, my name is Jonathan Jay. I'm sorry, I wasn't following protocol, I don't...I come here too often, so...

Ms. Iseri-Carvalho: You're doing fine.

Mr. Furfaro: I'm glad you're here.

Mr. Jay: Thank you. I have a large printed format version of the handout that you have, if it could be up so, yea...my name is Jonathan Jay, I'm an architectural designer, I live in Kapa'a. I moved onto the island four (4) years ago, it's a beautiful place, and I fell in love pretty much right away. What I have before you right now is a proposal for a Wailua Crossing Design that was not considered as one (1) of the three (3) options in the studies that were made. They looked at three (3) different versions, the preferred option, the present preferred option, which is to double lane the cane haul bridge and create the four (4) lanes that way for north and south traffic, but my big beef with that design is that it does not allow for the full design width of the coastal path. The design criteria for the coastal path are that it be a minimum of 10 feet wide, and more optionally 12 feet wide, and this...the present design with the two (2) lanes on the cane haul bridge, and the pedestrian tacked on to the side only allows for eight (8) feet. Now, I understand that Doug has worked very hard with the engineers to try and increase that, so I don't fault anyone for that. I just note that it's not adequate and does not meet the design criteria, so that was my big motivation to sort of relook at the issue.

What I came up with is a...and this will need an engineering study, and that is what I'm here to ask for you, from you today. I'm here to ask that you formally request that a full blown feasibility engineering study be made of this design, so that it could be either ruled in or ruled out, because it has not yet been considered.

I understand this is a bit late in the process, but I'm just another citizen on the island, that I'm trying to contribute my efforts as best as possible, and as timely a fashion as possible, and I've been showing this design around for...to anyone who would look at it for the last six (6) months or so.

Let me go over some of the points of this. If you...the basic idea is that if you can take a single lane bridge, and double it...the basic idea is that if you...with the present proposal if you can take a single lane bridge and double it into two (2) lanes, it should be equally feasible should the bridge foundation be permitting to take a two (2) lane bridge and turn it into a four (4) lane bridge. Now I talked with the people from the Acrow Bridge.

Ms. Iseri-Carvalho: Hard to hear you speaking when you guys are talking so can you give some respect for Mr. Jay.

Mr. Jay: Should I speak louder? I'm sorry. Should I stop, or what do I do?

Ms. Iseri-Carvalho: No, you have the floor, and you should speak as freely as you want to.

Mr. Jay: Okay, thank you. By the way, thank you so much for allowing me to come and submit this testimony. I really appreciate it. It's kind of what makes this a great country and stuff.

So the design components that I want to draw your attention to here. I did speak with the Acrow Bridge Company. They did confirm that 65 to 70 width, 70 foot width spans are feasible, that they can design panels for that, so that shouldn't be a barrier. The three (3) things that this design accomplishes that are not accomplished in the present existing proposal that's under consideration are as follows.

Number one (1), this creates a straight shot across the Wailua River. What we have right now and what we've had for years is that it diverges and then converges. And every traffic engineer knows that when you do stuff like that on the road it's dangerous, dangerous to diverge, dangerous to converge. So this eliminates that. And that's highly desirable for traffic flow as well as driver safety.

The second design criteria, highly desirable design criteria is that in the proposal that I'm making, the work that needs to be done on the cane haul bridge in order to make it plug into the coastal path is virtually nothing. You just need to plug it in on both ends, and take the cars off, and that's about all you have to do. You may want to address the railing to some degree, or repair the surface where needed, but essentially it's a no brainer. What you also get is complete separation from the pedestrians and cyclists from the auto traffic, and this is highly desirable for two (2) reasons. One (1), it eliminates the visual distraction that bicyclists and

pedestrians can have when they are zooming back and forth right next to the road, so that increases driver safety. Second of all, when they are completely separated from the traffic flow, they don't have to breathe the smog, they don't have to listen to the cars, they get to...and focus on and enjoy their enhanced recreational experience. The third bonus that this design allows for is the reclamation of the...I don't know what it's called, but I'm referring to it as the no man's land, which is the large pale kind of area there in the middle.

Ms. Iseri-Carvalho: Can you point that out?

Mr. Jay: Oh, sure. Right there. Sorry, I had some tea this morning and my hands are all shaky. And that's about 35,000 square feet. I think that the road, when it goes to four (4) lanes will need to be widened a little bit...the road bed. So what you wind up with I believe is about 30,000 square feet, and that could be returned to the Wailua State Park. It can be planted and landscaped as a buffer for noise and visual screening and will create enhanced recreational experience for the Wailua State Park, which to me has always seemed like a sort of underutilized resource. Also it should allow a more peaceful setting for the traditional Hawaiian holy spots that are there. So these are the three (3) major pluses of this design. I cannot speak to the engineering feasibility. But I do feel that if a single bridge can be turned into two (2) lanes, that it's essentially the same design process to turn a two (2) lane bridge into four (4) lanes and I would request that you make a motion or I don't know what the government language is, but somehow stop the present process and see to it that this is examined and given full feasibility. That's my request to you. That concludes my presentation, thank you.

Ms. Iseri-Carvalho: Alright, Councilmember Furfaro?

Mr. Furfaro: Thank you Councilwoman. Jay, thank you for your work and your presentation, but have you presented this to the State? See, this is a dilemma we get caught up with there.

Mr. Jay: Yea, State, County.

Mr. Furfaro: The perception of coming to the Council to change a plan is it's feasible, it's not unusual because we could send the appropriate information on to the State, but in this particular piece, there is a partnership between the County and the State regarding the bikepath, but the partnership does not necessarily you know include these thoughts about the actual traffic flow and the cars and so forth. That is clearly something that would need to be portrayed to Mr. Steve Kyono with the State Highways Department, and that's where the kind of the piggyback is here. It's on the bikepath, but clearly you would need to share this information with the State. We have done things in the past for...including you know funding some design money for Pouli Road, which is the bypass road by Foodland, the plan, but really that too is a State project and so forth. So if you

could somehow convey your ideas here to the State Highway Department, that is probably the starting point to ask them to rethink this.

In your earlier testimony you mentioned that you were a designer in trade (inaudible). May I ask are you an architect? Design planner? Are you a structural engineer? What defines your design expertise if I could ask Mr. Jay?

Mr. Jay: I've done a broad. I guess I'll go backwards, last question first. I've done a broad range of design work from landscape to clothing, graphic work, but at present and what I've been doing for the last 10, 15 years, is design build when I was in Seattle. And for four (4) years I've been designing residential structures here. I'm not an architect. I'm an architectural designer, and work with architects, engineers, civil, structural, as need be as a project...

Mr. Furfaro: Understood, as part of a project team.

Mr. Jay: Um hum.

Mr. Furfaro: Very good. I just wanted to get that clear, and obviously your skills and thinking on this are reflected in this plan, but I would encourage you to share with the State.

Mr. Jay: Well, I thank you for that suggestion. It's very helpful when you can give direction to people as to how to best use the system, because it's kind of confusing quite frankly.

Mr. Furfaro: Yea, well it is especially when certain projects are piggybacked, but the relationship on this project with the County is specifically tied to the bikepath, and you know I couldn't tell you how much influence we actually had on the State's plan as it deals with should the bikepath extension be put on the single lane bridge or as you're suggesting on the two (2) lane bridge, but obviously you bring up an important point that we are compromising some width of the bikepath bridge by going...doing the candelabra on the single lane bridge.

Mr. Jay: Right, and...

Mr. Furfaro: But a place to start is with Mr. Steve Kyono.

Mr. Jay: Well I should say that I did send these plans to Mr. Kyono two (2) and a half, three (3) months ago and I never heard any reply. I believe at that time he was on vacation, and I made note in my calendar to follow up on when I thought he might get back, but it didn't happen. I shall do that now.

Mr. Furfaro: Or if you could leave your number, I would try to assist you in making that contact.

Mr. Jay: That will be greatly appreciated. As far as the crimping of the bikepath, one (1) of my motivations here was that...it's my understanding that this is a roughly \$17 to \$20 million project of the bridging, and it's a lot of money. However, we spent more than twice as much on a coastal path, and so it doesn't make any sense to me to take a brand new \$40 or \$50 million dollar project, or however much it's going to be when the day is over, and hobble it right from the get go at the major crossing.

Mr. Furfaro: Well, I do agree on your cost, economics as you talked about them, but what we need to remember is these are federal moneys that are earmarked for the bikepath. It's very sad to say the tragedy in Minneapolis recently has brought this to...the bridge portion at least to a federal recognition level where the aging bridges across the nation are being considered either for an increase in the fuel tax to help fund that or as the current administration in the federal government has indicated, they may tap some bikepath moneys to...this...I'm not agreeing with this Jay or not, but what I'm saying is that is the statement that has been made and those are the financial choices for projects of this nature. But you bring concerns about the bridge. I think the bridges have gotten national attention, but right now, the moneys that are related to the bikepath are earmarked for alternative multi-modal transportation.

Mr. Jay: And I think that's a wonderful thing, and what you mentioned a moment ago seems like a great big huge step backwards, but I will say that I'm not complaining or critiquing or saying that the path costs too much or they should be spent on other things. I understand that it's a certain kind of funding and it can go only to projects like that, and I think Kaua'i is quite fortunate to receive that and I laud the people who have done so much work over the years to bring that project home.

Mr. Furfaro: Well, we just got to get your thinking to the right people. I'll be (inaudible) to help you and I would comment that I think that's a giant two (2) steps backwards to move funding because you know, nobody knows what we're going to do when oil is \$200 a barrel, so...

Mr. Jay: We won't be driving around as much.

Mr. Furfaro: That's right, that's right. Thank you very much for a very nice presentation.

Mr. Jay: Thank you.

Mr. Furfaro: Councilwoman, thank you very much for having him on the agenda.

Ms. Iseri-Carvalho: Thank you very much. Councilmember Yukimura?

Ms. Yukimura: Yes, thank you.

Mr. Jay: Can I...I need to...my throat is so parched.

Ms. Iseri-Carvalho: Sure.

Mr. Jay: Thank you.

Ms. Yukimura: I want to thank you Mr. Jay for bringing this forward. I've been quite distressed that the idea that the bikepath would be sort of pushed on the side, and that it would...in this particular crossing that it would require bikers to get off their bike basically and walk it across, because being a biker myself it...I know what an imposition that is. So, I appreciate that you're trying to improve that situation, and you know there was just an environmental assessment process that was completed on this proposal, which I had commented on in terms of asking that a multi-modal solution be looked at as an alternative, i.e., you know \$12 to \$17 million spent on a bus system, what would that do in terms of reducing the traffic congestion on this bridge, but that's another subject.

The questions I have are or...let's see when you spoke to the Acrow Bridge people about this situation, did you give them any tonnage figures for the crossing?

Mr. Jay: No, and that's...that's beyond my scope of my expertise.

Ms. Yukimura: Yea, okay.

Mr. Jay: And what I presented there is not an engineering design. It's a conceptual design.

Ms. Yukimura: Which is why you are asking that an engineering feasibility...

Mr. Jay: Exactly.

Ms. Yukimura: Study be performed on this proposal that you have.

Mr. Jay: Before we drop another \$20 million, and let's do it right the first time.

Ms. Yukimura: Right, yes. So, and that's why I guess you have the possible new bracing and the possible new pier there?

Mr. Jay: It's my understanding...I went and looked at the documents in the library that were on file for this project, and there was concern in the beginning that putting new piers or driving them into the sediment would be environmentally disruptive, and that seems like a completely valid and good

concern to me. It was responded to by the Army Corps of Engineers, by the letters in the back, who said that because there's no significant soil or material would be moved that it didn't present a significant environmental hazard and that with proper best practices could be accomplished.

Ms. Yukimura: Really?

Mr. Jay: Um hum.

Ms. Yukimura: Alright, well thank you. I think this is very much worthy of further investigation and I'll add my voice to the DOT to ask for that.

Mr. Jay: Oh, thank you very much.

Ms. Iseri-Carvalho: Councilmember Yukimura, I just had a question. You mentioned the period for the comment section, and that has already expired?

Ms. Yukimura: The EA has been accepted, and they're FONSI, the finding of no significant impact, which means that they are now proceeding on the plans that were the focus of the...yea, and so this needs to be put in front of them very quickly if there's to be any alteration.

Mr. Jay: Well, when I spoke at Planning yesterday afternoon, they informed me of such that I should have been there the month before, and I apologized...

Ms. Yukimura: At the Planning Department? Commission?

Mr. Jay: Commission, Commission. You know I don't...

Ms. Yukimura: Because they were asking for permits for this project?

Mr. Jay: No they were examining the four (4) lane widening in immediately in adjacency to the north from Kuamo'o Road up to the bypass. It plugs right into this and the engineer who was there, the DOT guy from O'ahu I guess he said that it's an integrated project, and it's going to be bid in an integrated way, so I felt it was not inappropriate to speak directly to an aspect of the...what they were talking about.

Ms. Yukimura: Um hum. Thank you.

Ms. Iseri-Carvalho: Any other questions? Yes?

CHAIR BILL "KAIPO" ASING, EX-OFFICIO COMMITTEE MEMBER:  
I don't have a question, but I like the idea. The idea looks reasonable. I guess I would like to have us send this from the Council to the State for

investigation, follow up. I think it's reasonable that we use our influence to try to influence the State to look at it.

Mr. Jay: That's really all I'm asking for.

Chair Asing: It's reasonable.

Mr. Jay: There may be flaws in here that I am not aware of that would make it not feasible, so let's make that study and find out, and thank you very much for your recommendations.

Ms. Iseri-Carvalho: Any other questions? Thank you Jonathan, and thank you for taking the time to present this to myself and the Chair, because we also had supported the idea, and felt that it was worth pursuing, and we do have our County officials here so we'll ask them to comment on this immediately, so while you're here you'll at least get some feedback from the County on the administration side, but as indicated by the Chair, which we are totally in support of, it is...you know will by all means pass this information along. We know you that you took an extremely amount of work, and we also know that you are an avid bike rider, and you are very interested in connectivity and making it safe for all bike users, which is what is our concern as well that you know foremost there was that concern and we brought that up several times about having to get off your bike to go over the road and that for me left a lot of distaste, you know especially because we were using bikepath funds in order to do that. So we have such irony that in fact that was not the primary purpose in that area and yet in some other areas that's what we utilize as being the primary purpose, and so some reasons that we used to support certain development in one (1) area is very different from what we support in another area, and actually discount the other reasons that were used in different other portions. And so it is a very confusing process, especially with this intersection area, where there is State input with respect to State highways, so we'll get information from the County Attorneys and thank you.

Mr. Jay: It's a...

Ms. Iseri-Carvalho: County Attorneys, I'm sorry County Engineer.

Mr. Jay: That's fantastic. I think it's a very complex project, and whenever you try and retrofit something into an existing place that already has stuff going on you got to try and thread it and weave it in, so I commend everyone who has put time and effort into this. And I just want to say that in regards to the narrowness of the path, could you imagine if we spent \$20 million on a bridge for cars and it only made it like eight (8) feet wide, and you had to get out of your car to cross it when you came up to it? That would be ridiculous.

Ms. Iseri-Carvalho: That puts it all in perspective doesn't it?

Mr. Jay: So thank you very, very much. I appreciate all the time you've given me and I'm very happy that you will use your powers and authority to see that this gets properly examined. Thank you.

Ms. Iseri-Carvalho: Thank you.

Mr. Kouchi: Madam Chair?

Ms. Iseri-Carvalho: Yes?

Mr. Kouchi: Before calling anybody else up, something that Mr. Jay said I think got me back into focus and I wanted to ask for a brief moment of personal privilege before we proceed.

Ms. Iseri-Carvalho: Sure.

PERSONAL PRIVILEGE:

Mr. Kouchi: Listening to the discussion about the order of the agenda I guess broke my focus and lost my center and when Mr. Jay made the comment about what a great country this is to live in and the opportunity to be here, realized on September 12 we'd be remiss if we did not start our meeting with a moment of silence. I know each and every one (1) of us have been affected by the events that happened on September 11, but you know to acknowledge those who had such a direct effect, the loss of love ones and also for us here on Kaua'i September 11 with Hurricane Iniki has also significant meaning to us, and perhaps you could lead us in that and then we could continue with the meeting.

Ms. Iseri-Carvalho: Thank you, and I know all...probably many of us if not all of us participated in at least some type of service or moment of silence across the country with our fellow countrymen and so at this point I think it's very appropriate that we would do a moment of silence for those fallen heroes of ours. It was just staggering for me that it has been six (6) years, you know it's amazing, and yet the effects of all of those people are still with us very strongly today. And thank you Councilmember Kouchi for bringing that up and so we'll take a one (1) minute moment of silence. Thank you.

Thank you all, appreciate it. We do have another speaker. Marge?

MARGE FREEMAN: Marge Freeman for the record. I also would like to commend you for the amount of diligence you put in to being sure this bikepath is the very best that it could be. And have a second thing that I'd like to say, which is we had a former speaker who talks about the fact that this bikepath is not going to be used by anybody, and continues to say that. And it just absolutely isn't true. All you have to do is go down there, even in its broken up state to see how many people are using it even now, and once it's connected together, there will be even more. So

let's continue and see if we can't get it connected up. And thank you for your work on it.

Ms. Iseri-Carvalho: Thank you Marge. Hold on. Any questions, comments? If not, thank you. Anyone else who wishes...yes, Barbara?

BARBARA ELMORE: Sorry I came in late. I haven't looked at the agenda, but if you're talking about the bikepath...

Ms. Iseri-Carvalho: Um hum.

Ms. Elmore: I'm one (1) of the biggest fans of the bikepath and I love it, and...but the thing that bothers me is that it has to cross the road at Wailua, go back behind the property there, mauka, and then cross that busy highway again, and the only explanation I've ever been given was that the condo owners in Wailua were threatening a lawsuit. And I do remember vaguely some of them coming and testifying and threatening it in their testimony, and if that's the case I just think it's sad that it can't go along the coastline there, because it was always promoted as a coastline path. So, that's all I have to say, but I'm in favor of it 100%. Thank you.

Ms. Iseri-Carvalho: Any questions, comments for Barbara? No? Thank you Barbara. Anyone else? If not, if we could have...Donald?

DONALD FUJIMOTO, COUNTY ENGINEER: Good morning.

Ms. Iseri-Carvalho: Good morning. Donald, before we start, I guess to state your name and if Doug is going to join you, his one (1) as well.

Mr. Fujimoto: Yes, okay, I'd like to...oh my name is Donald Fujimoto, County Engineer. And I'd just like to I guess commend Jay Duncan for his proposal, and I...

Ms. Yukimura: You mean Jonathan Jay?

Ms. Iseri-Carvalho: Jonathan Jay.

Mr. Fujimoto: Oh, excuse me.

Mr. Furfaro: Jonathan Jay.

Mr. Fujimoto: Sorry, somehow I got the wrong name on here, and I assumed this is from him. Jonathan. Anyway, it's a great idea and I just wanted to clarify a couple of things. Number one (1), as a credit to our engineers, this plan was considered. I think one (1) of the issues that came to mind was actually this, and there is a long range plan, and there is a EIS process that is...the State is going through right now, and they are looking at either expanding the existing bridge to

four (4) lanes as proposed here, so I believe that at some point the long range plan is to give Jonathan what he's asking for. What has happened is the short term need, the immediate congestion in Kapa'a, and what can we do about it. What happened is in collaboration with the State DOT, the State actually asked us to leverage our project, the bikepath to help them assist in expediting this traffic congestion plan, and that is to add another lane on the existing cane haul bridge, as well as provide six (6) feet wide pedestrian walkway bridge. And again, it is a compromise to the bikepath, but hopefully it's temporary, and this is a temporary bridge. Part of that exchange, and again, in addressing the expediency and the need to relieve the congestion was to utilize the EA from the bikepath so that we could save time and allow this additional lane to relieve the congestion. And in exchange the State is going to pay for the hard costs, the State DOT is actually paying for the bridge. So we paid for the design, and the State paid for the bridge, and I believe we brought this up to Council and we got your approval about a year ago. But again, the good news is that what Jonathan is asking for hopefully is going to be ultimately the final plan. The State is looking at the bypass, which actually gives all kinds of options going four (4) lanes up mauka, putting another four (4) lane bridge mauka of the existing Wailua Bridge or to actually widen the existing bridge to four (4) lanes, so that's part of the EA process that the State is doing now. And I think they are slightly behind, their timeline was actually...they were shooting for Summer of this year, so there is a process that's going on and I believe the public input on the State overall plan is actually ongoing right now as we speak. So...

Mr. Furfaro: Excuse me, Donald, before you go any further...Councilwoman, may I just ask him a question on that one (1) subject there?

Ms. Iseri-Carvalho: Yes, Councilmember Furfaro?

Mr. Furfaro: So you used the term leverage, I used the term merge where the bikepath and the highway comes over, but the big piece here is you're saying that a four (4) lane bridge was considered in the beginning for the urgency in the merging of design and this temporary compromise on the width of the bikepath. It was really to expedite things as it was presented to us.

Mr. Fujimoto: Right.

Mr. Furfaro: Merging those two (2) projects, but you're feeling that in long term the four (4) lanes are being considered.

Mr. Fujimoto: Yes, and again, the ultimate plan is either to construct an entirely new four (4) lane bridge mauka of the existing bridge and to retain the existing bridge, so we'll have actually two (2) main arterial paths through the Kapa'a corridor. And again, the process is ongoing right now, and at that time, when that...if and when that happens, this cane haul bridge could ultimately be dedicated exclusively to...

Mr. Furfaro: Solely to the bikepath.

Mr. Fujimoto: Right, and so the...again, that is you know ultimately the long range plan. The issue was again to address the short term, immediate congestion in Kapa'a, and the fastest way was to add another lane to make it two (2) lanes north and two (2) lanes south. And the easiest way to do that was to again compromise the bikepath with the need for traffic mitigation, congestion mitigation. And so yes, the bikepath and the pedestrians would be compromised in that section of the bridge alone, but outside of that my understanding is that it would go back out to the 10 feet width, or the...or 12 feet width.

DOUG HAIGH, BUILDING DIVISION, DEPARTMENT OF PUBLIC WORKS: I'd like to just clarify that one (1) point. In our July 27 response to the June, to the May 30 and June 13 series of follow-up questions, on question number 10, we have a response from the bridge designers specifically addressing the eight (8) foot width. And the question was will bicycles and pedestrians be able...

Ms. Iseri-Carvalho: And...

Mr. Haigh: To safely use that path?

Ms. Iseri-Carvalho: Yes, and...

Mr. Haigh: And...

Ms. Iseri-Carvalho: You know we will get into the entire list of questions.

Mr. Haigh: Okay, it's just there were statements that you would have to get off your bicycle, and I just wanted to clarify at this time, that is not the case, and if you don't want me to read the response there I can hold off until later.

Ms. Iseri-Carvalho: You can. Was that a change?

Mr. Haigh: Not that I know of. Originally, when we first came to this body we were talking about a six (6) foot... (change side of tape)

Mr. Haigh: ...that you'd have to disembark. And then you folks expressed your strong concern on that and we went back to the designer and twisted their arms more and said hey we got to at least get the minimum, and so they were able to squeeze in the eight (8) foot, and the response is an eight (8) foot is not the ideal, but here's the response. Eight (8) feet is acceptable if we post warning signs on both sides of the bridge announcing that the path narrows and if we paint a solid yellow stripe on the bridge portion of the path and accessible ramp indicating that no passing is allowed. No passing zones are acceptable as long as

passing zones which can be provided by simply widening the path to a minimum of 10 feet wide are provided within a reasonable distance of the no passing zone, which we have provided for in the design of the Wailua Bridge phase and will be provided for in the design of the Wailua Bridge to Lihi Park phase. So, yes, it will be inconvenient, that if there's pedestrians in front of you, you're on your bicycle, you're going to have to go slow until you get off the bridge. So it is not the perfect solution, but you do not have to necessarily disembark off your bicycle to cross the bridge.

Ms. Iseri-Carvalho: Thank you. Well, you know I guess...I don't know, it has been eight (8), six (6) feet, and then it's been eight (8) feet, and then it has been 12 feet, and then it has been 10 feet, so I think you know we're somewhat confused as to...and that's why you know there's several times that there's the same question that is being asked because we get different responses verbally, and we try to get these in writing. I believe that it was correctly as stated by Councilmember Yukimura that you had to disembark your bike, that was the initial representation that was made, and if that has changed, then so be it.

Ms. Yukimura: Great.

Ms. Iseri-Carvalho: But you know that...

Mr. Fujimoto: Yea, I think initially, yea, my understanding was you would have to dismount, but I guess...

Mr. Haigh: That was when we were looking at six (6) feet.

Mr. Fujimoto: Right.

Ms. Yukimura: Well, well that helps, that it's eight (8) feet, and so what you're saying is...if I may Chair?

Ms. Iseri-Carvalho: Yes.

Ms. Yukimura: The...if there's...if there are pedestrians, you can't pass over them, you have to maybe get off and follow them, is what you are saying, because it's not wide enough for passing.

Mr. Haigh: Correct.

Ms. Yukimura: But if there's nobody there you can just go right over. Or even if there's somebody coming from the other side you should be able to cross each other side by side without disembarking.

Mr. Haigh: Correct.

Ms. Yukimura: Okay, better than the first time.

Ms. Iseri-Carvalho: Um hum.

Ms. Yukimura: Yes.

Ms. Iseri-Carvalho: Well, that's the reason why we have these meetings, so that we can provide input to make it a better path than the initial design. But I think the Chair has some question.

Chair Asing: Yes, I...there's no (inaudible) that we're going to do anything outside of that...bridge? What happened to that?

Mr. Haigh: The pedestrian path is the (inaudible). The pedestrian, the multi-use path across the bridge is cantilevered off of the Acrow panel basic structure for the (inaudible).

Chair Asing: And that cantilever portion will be what width?

Mr. Haigh: Eight (8) feet.

Chair Asing: Eight (8) feet. Okay, then I'm not sure, you make some reference to passing lane...

Mr. Haigh: The passing lane will be before and after the bridge, on each side of the bridge.

Chair Asing: It doesn't matter because it's...you are not endangering the pedestrian or the bikers am I correct because it's cantilevered out, outside. Am I correct?

Mr. Fujimoto: The traffic is separate from the bike and the pedestrian.

Chair Asing: Yea.

Mr. Fujimoto: Right, it is a separate (inaudible).

Chair Asing: It's outside of the bridge.

Mr. Fujimoto: Right, correct.

Chair Asing: Structure, so there is no danger of a car...

Mr. Fujimoto: The cars, right.

Chair Asing: Hitting a pedestrian or biker. Am I correct.

Mr. Fujimoto: Yes.

Mr. Haigh: There are railing between.

Chair Asing: Okay, so I didn't understand why the concern about the passing. There's no...

Mr. Haigh: It's the passing of the bicyclists.

Ms. Iseri-Carvalho: Of two (2) bicyclists in the opposite direction.

Chair Asing: Oh, two (2) bicyclists.

Mr. Haigh: I mean in the current path...

Ms. Iseri-Carvalho: Or the same direction, or...

Mr. Haigh: You are riding your bike, and there's pedestrians in front of you, and you slow down until you have a safe place to get around them, and here you'd have to slow down...

Ms. Iseri-Carvalho: Stop.

Mr. Haigh: Until you get...

Ms. Yukimura: Across the bridge.

Mr. Haigh: Yea.

Ms. Iseri-Carvalho: Um, do you have that with you, that design of what the Chair is talking about, the cantilever...

Mr. Haigh: Yes.

Ms. Iseri-Carvalho: That they have the railings that...

Mr. Haigh: I did not bring it with me.

Ms. Iseri-Carvalho: Because it seems visual that it would be separated from the traffic, and I think in the response it doesn't really reference that. It talks about the width, but it doesn't say that we also have these additional safety structural things that are already there that would also add...enhance the safety of the pedestrians as well as the bicyclists. Okay, any other questions with re...yes, Councilmember Yukimura?

Ms. Yukimura: So Mr. Haigh you said that...you folks came before us to ask for...

Mr. Fujimoto: Design.

Ms. Yukimura: The permission to use the...

Mr. Fujimoto: Design.

Ms. Yukimura: Bike moneys to be part of this project, right?

Mr. Haigh: That is correct.

Ms. Yukimura: Okay, and now we pay for the design with the bike money, and I think Mr. Fujimoto said the State pays for the construction. Now, this is all under the condition that we're going to get a full bikepath, or a larger bikepath later on?

Mr. Fujimoto: The MOA was really...the exchange was our design for their construction money. It did not obligate future use of that bridge, but the understanding was that at some point in time, if and when the alternate route, four (4) lane routes was put in, that that would be a potential for a dedicated pedestrian bikepath.

Ms. Yukimura: Because, yes, that's what concerns me, because as you recall at our meeting on the long range land transportation plan, we were you know informed that the highway fund is going to run out of money, the federal highway fund is running out of money in late 2008, 2009.

Mr. Fujimoto: Right.

Ms. Yukimura: Which means that the possibility of us getting moneys for the Kapa'a bypass is getting slimmer and slimmer.

Mr. Fujimoto: That's right and...

Ms. Yukimura: And what concerns me is that we're going to be stuck with this so called temporary model and...

Mr. Fujimoto: So you can look at it you know two (2) ways. One (1) is the fact that at least this bikepath actually helped mitigate the traffic congestion. You could look at it that way.

Ms. Yukimura: That doesn't...

Mr. Fujimoto: Because without that, we would still have a major congestion in that area.

Ms. Yukimura: Well the...this...the ques...that was the question I raised in my comments on the EA, whether the expenditure of \$12 to \$17 million is really going to improve traffic. But...so that's one (1) question and whether it's not just going to move the congestion point a mile away, and is it worth \$12 or \$17 million to do that, if we're only moving the congestion point another, or quarter mile or a half mile.

Mr. Fujimoto: And I think based on the traffic engineers, they feel that it does, it will.

Ms. Yukimura: Okay, well, so...

Mr. Fujimoto: And we all know that roads, you build the roads and they will come, and it ultimately, at some time unless you stop building cars, the roads will be (inaudible).

Ms. Yukimura: Unless you maybe find a more multi-modal way to deal with moving people and goods from one (1) place to the other.

Mr. Fujimoto: Right, right, and so this is a win-win, because we are promoting that multi-modal, which is the bike and pedestrian way, a dedicated path.

Ms. Yukimura: Well...

Mr. Fujimoto: But it is a compromise.

Ms. Yukimura: Well, the bikepath was already going to go there without the cars, but okay. So let me ask you this...

Ms. Iseri-Carvalho: And you know in all fairness, that was voted on by the Council. I mean we all voted for the plan that was provided utilizing this process of bikepath money going towards relieving the congestion in the Kapa'a area, so it was really not their decision with respect to that, because they full disclosed that that was going to happen. The only issue was as far as temporary, you know we looked at it being temporary for 20 years, and that was fully provided and we responded by approving those funds in light of the resident's concerns about the traffic congestion in that corridor. So, I mean we did vote on that.

Ms. Yukimura: Okay, so if I could...

Ms. Iseri-Carvalho: And gave them the approval.

Ms. Yukimura: Finish my questioning. Then is...was the...was it the issue of money that made the decision not to go with the long range solution?

Mr. Fujimoto: No, the issue was time. That we do have a problem now, and how do we address that problem.

Ms. Yukimura: What was the difference in time?

Mr. Fujimoto: The time is if you don't do it, because there is a long range plan to defer not doing anything...

Ms. Yukimura: No, no, no, no (inaudible).

Mr. Fujimoto: That is...that was the situation. Either do nothing and wait for the...

Ms. Yukimura: What was the difference in time?

Ms. Iseri-Carvalho: I can...if I could intercede here. There was a whole PowerPoint presentation on the cost aspect of picking three (3)...there were three (3) options that were listed that I recall. There was the cost aspect, and there was a time aspect, and the Council was provided all of the information on the three options, and...

Ms. Yukimura: Would you please refresh my memory on what the...

Ms. Iseri-Carvalho: If I could finish, Councilmember Yukimura.

Ms. Yukimura: I was, I was...(inaudible).

Ms. Iseri-Carvalho: I am the Chair, and I am controlling the meeting that is happening here.

Ms. Yukimura: (Inaudible) are.

Ms. Iseri-Carvalho: So, you know, I would like to expedite...I know we have the experts coming in at 10:00 a.m., so I'd like to finish this portion of that corridor with respect to Mr. Jay's presentation. But you know we are regurgitating information...

Ms. Yukimura: No, no, my question is...

Ms. Iseri-Carvalho: Well, can I finish? We are regurgitating information that was a full two (2) hour presentation a year and a half ago with the three (3) options.

Ms. Yukimura: Okay, so was the...so the issue was not money, it was time, and what was the time difference?

Ms. Iseri-Carvalho: It was...if I could...it was both time and money. Okay I mean...

Ms. Yukimura: Okay, could I have...ask them to answer the question please?

Ms. Iseri-Carvalho: You can, but I do not want to go over a whole presentation that we took two (2) hours to go over two (2) years ago.

Ms. Yukimura: Excuse me, but I don't remember the answers, so could you please just refresh my memory?

Mr. Fujimoto: Okay, my understanding is that if the State had to go through the full process...

Ms. Yukimura: The EIS process.

Mr. Fujimoto: Right, that there was no guarantee that number one (1) that the project would even go through, because they had to do the EA process, they had to get funding, and they were also going through, at the same time, this long range plan, which actually showed this four (4) lane option as one (1) of their alternatives...is to convert the existing road to a four (4) lane...

Ms. Yukimura: I know, but if...

Mr. Fujimoto: So they were committed on whether they could even do anything at all based on a temporary issue.

Ms. Yukimura: Okay, so I'm just trying to understand...was it the piers that was going to turn it from a no FONSI...finding of no significant impact to a significant impact that would require a full blown EIS?

Mr. Fujimoto: Well, there was these issues. Number one (1), whether the existing cane haul bridge was structurally sound to accommodate the additional weight.

Ms. Yukimura: But you already went through that process, you had to...

Mr. Fujimoto: We did not at the time yet.

Ms. Yukimura: But you had to go through that process in order to come up with this solution right?

Mr. Fujimoto: Well, the...there was a lot of assumptions made prior to that, and everybody agreed that as a compromise all these bikepath, since the bikepath was going in, and the road...and the bridge had to be improved that the bridge would accommodate the additional lane.

Ms. Yukimura: I understand what...okay, so basically though, there was a decision that the EIS would take too long and that you could get a FONSI and go faster.

Mr. Fujimoto: Yes.

Ms. Yukimura: With this situation.

Mr. Fujimoto: Right.

Ms. Yukimura: But, if you never get to the big bypass road, then this will never turn into a...this will never leave its temporary nature...

Mr. Fujimoto: No, the alternative is to convert the existing bridge into a four (4) lane bridge.

Ms. Yukimura: I know, so I'm asking why...

Mr. Fujimoto: And at that time...

Ms. Yukimura: Wasn't the decision made to just do that?

Mr. Fujimoto: Because the study was not done yet. The study was on the bypass, the mauka bypass route, which actually aligns a whole different path on the mauka side of that corridor.

Ms. Yukimura: And so if the mauka bypass were to happen...

Mr. Fujimoto: Yes.

Ms. Yukimura: Then the vision is that that...then the cane haul alignment or bridge would become totally bikes.

Mr. Fujimoto: I would imagine that that would be a possibility at that time.

Ms. Yukimura: But you just said that if you build them they will come, so what if both roads get really crowded?

Mr. Fujimoto: Then you are absolutely right, there's no guarantee.

Ms. Yukimura: Well, then we made a raw deal.

Mr. Fujimoto: And we do not have that assurance, but I'm saying that if you do create another four (4) lane mauka highway, I mean which definitely creates a whole different avenue and creates a whole new capacity that your now congested area will be a lot less congested.

Ms. Yukimura: Thank you.

Ms. Iseri-Carvalho: Is that all the questions?

Ms. Yukimura: Um hum.

Ms. Iseri-Carvalho: Thanks. Councilmember Bynum?

Mr. Bynum: So I just...to take a step back from this for a minute, I...the community was in arms, up in arms saying we can't wait 15 years for this mauka route, we need traffic relief now. And many people believe, and if traffic engineers agree that the primary choke point was from the end of the current Kapa'a bypass getting over the Wailua River. And so this was really kind of creative expediting in my mind if I understand it correctly in that the bikepath had to...it's own dilemma of how will we cross the Wailua River. That's the big issue for all of these projects, and then the options were to either try to cantilever off one (1) of those bridges, or build an entire new bridge for the bikepath, which would be perhaps cost prohibitive. And you'd already started an EA process, and so the creative thinking was let's get together on this right? And it ended up being a win for the bikepath in terms of the hard costs for the production of the bridge would be borne by the State, which may have been cost prohibitive for the bikepath, and a win for the traffic relief was that it expedited the EA process. Have I got that correctly? And so the decision was made (inaudible), then I know at one (1) point the bike lane was considered to be even less than eight (8) feet right? And the County's pressure was to make it the minimum (inaudible) because if...is it true that the design criteria for the bikepath allows some sections to go as low as eight if there is these kind of corridor constraints? Right? So...

Mr. Haigh: The ASHTO guidelines do allow, they do mention going to eight (8) foot widths.

Mr. Bynum: So you know for the public's...this is a way to get these two (2) additional lanes or an additional lane or two (2) lanes into Lihu'e, where then the merging will happen after the Wailua Bridge, after Kuamo'o Road, after all of these intersections, and could in as little as two (2) years...is that the target date now?

Mr. Haigh: Correct.

Mr. Bynum: Which for government is lightening speed right? And so you know I think that it's unfortunate that it's not 10 or 12 feet across the bridge, but eight (8) is an acceptable level and I would just commend all of the people involved who came up with this creative solution and I think in...you know and to be honest with the community, the temporary bridge can be a minimum of 12 years and probably much longer because of the funding issues. But the Kapa'a relief road has been discussed for at least 15 years, and even if the EA, EIS is completed this year, it's still minimum 12 to 15 years off to build, correct? Okay, thank you. I just want to make sure I have this clear in that.

Ms. Iseri-Carvalho: Councilmember Yukimura?

Ms. Yukimura: How much more would it have cost to do this design?

Mr. Fujimoto: I'm not sure.

Ms. Yukimura: Can you get me that information? So you're saying that this design was noted to be feasible, and in fact may end up being the...it could be the...I mean not exactly, but the idea of four (4) lanes of...four (4) car lanes, two (2) in each direction off of that Wailua Bridge right?

Mr. Fujimoto: Okay, um...what I was trying to say is that this four (4) lane idea was thought of.

Ms. Yukimura: Yes.

Mr. Fujimoto: That in fact that was one (1) of the options of the mauka bypass. Everyone realized that you know in the long range transportation plan, they talk about a four (4) lane corridor that runs along that...

Ms. Yukimura: Okay.

Mr. Fujimoto: Section. So, yes, they did consider that. We did not go to the point of actually getting any cost projections or cost estimates, that the issue became how can...number one (1) how can they mitigate the problem now? And one (1)...the easiest way was to look at that cane haul bridge, which was a temporary fix.

Ms. Yukimura: Well, okay, so for me, the question would have been...

Mr. Fujimoto: Well, the worst situation would have been this. That the State would have commandeered the cane haul bridge, and we would have had to have constructed a separate independent bikepath pedestrian bridge. We would have had nothing you know.

Ms. Yukimura: Okay, I understand, okay, but was the question asked how much would it cost to do a four (4) lane bridge on the Wailua alignment? The Wailua Bridge alignment.

Mr. Haigh: (Inaudible) to expedite the response to this, Councilmember Furfaro mentioned sending the proposal to State DOT, and it would really be most appropriate for them to answer those kind of detailed questions, because we're really not...

Mr. Fujimoto: Yes, and it...

Mr. Haigh: Involved in the design or the EIS...

Ms. Yukimura: Okay.

Mr. Haigh: So our knowledge is just general knowledge we picked up, but they have the specific knowledge, and they have the consultants who can answer those kind of questions.

Mr. Fujimoto: There's a lot of variables too. If the foundation is not adequate, then you know they would have to design it a certain way. If the foundation was structurally sound, then they could design it a certain way, so there's a lot of issues and assumptions that you would have to make you know, but I'm not sure what the relation on cost is. Why would you (inaudible).

Ms. Yukimura: Well, if it had say cost \$20...double, \$25 million just for this portion now, okay the bridge portion, \$25 million and it would have taken two (2) more years beyond the two (2) years, so four (4) years, I mean the question is, could it not have been worth it to do that? And that's why I asked. I'm wanting to know the answers to the questions were. How much more time and how much more cost than I think...

Mr. Fujimoto: I think that would have jeopardized their long range EIS plans saying that the mauka path is now no longer needed.

Ms. Yukimura: Well, I'm looking at this as a temporary solution, so not precluding...

Mr. Fujimoto: Well, that temporary solution would have addressed the need for another mauka arterial, and that was the issue. Is they needed to complete the EIS before they did anything that would have provided a permanent solution.

Ms. Yukimura: Okay.

Mr. Fujimoto: And working on that other bridge, the existing bridge was really part of the permanent solution.

Ms. Yukimura: Okay, but if we take so long that it...we don't get any federal moneys and it makes the whole bypass unfeasible, then it wouldn't be...

Mr. Fujimoto: Or the creation of this plan here. I mean it's like the catch 22, and that's the dilemma they were in. Do they do anything at all and sacrifice a perfectly good long range plan, or do they do the short range plan now and you know...yea, to sacrifice the long range plan. It doesn't make sense.

Ms. Yukimura: Well, if the long range plan wasn't going to happen, there was no sacrifice.

Mr. Fujimoto: Well, we don't know that.

Ms. Iseri-Carvalho: Okay, I'm going to cut the discussion at this point. We have the experts that are here for the next agenda item that is coming up. I would want to ask, this discussion happened about a year and a half, maybe two (2) years ago, and maybe in a short period of time you can call your office. I know Doug had prepared an extensive PowerPoint presentation, and I remember seeing the slide with the costs and the time, and the options. And that you...we selected it, I mean the Council selected it, and I believe it was unan...well I don't know maybe Councilmember...Council...not Council Chair, but maybe the Vice...I mean of the Public Works Committee didn't vote for it, but I believe Councilmember Yukimura did, so maybe that would assist her in recollecting all of the questions that she's raising to you now. So if you have time to provide that, but I think it's really important to listen to the Oceanit's report that will be coming up. So, thank you, we'll recess this item, and go on to the next item.

There being no objections, the Committee recessed at 11:03 a.m.

The meeting was called back to order at 11:25 a.m. (went to item PW 2007-9), and proceeded as follows:

[PW 2007-9 was discussed and received for the record, then returned back to PW 2007-3.]

**CR-PW 2007-22:** on PW 2007-9

Communication (8/29/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration and representatives from Oceanit be present to discuss the impacts of coastal erosion, present an action plan incorporating the safety concerns of the community, and provide a cost proposal for

repair/removal and/or maintenance of 'Aliomanu seawall, Pono Kai seawall, Fuji Beach seawall and Kapa'a Beach revetment in light of Oceanit's Report and Recommendations regarding these hazardous areas.

**[Received for the record.]**

Ms. Iseri-Carvalho: We will return back to the item of the bikepath which was the 25 questions that we had sent over back in May. We do have some responses, so are you ready to go over those? Hold on a minute, we are going to change the tape.

There being no objections, the Committee recessed at 3:08 p.m.

The meeting was called back to order at 3:10 p.m., and proceeded as follows:

Ms. Iseri-Carvalho: So these are the questions that were sent over by the Chair of the Public Works Committee and there were questions that were sent over on May 30, June 13, there was another letter on June 25, and then July 17 is the dated response from yourselves, so we will go through those questions that Mr. Mickens had inquired about getting the answers. The first question was the difference between a design/build contract as compared to a design bid/build process.

There being no objections, the rules were suspended.

Mr. Haigh: Okay, traditional design/bid/build is a segmented sequential process in which the owner first contracts with a design professional to prepare detailed plans suitable for construction plans and specifications, then uses the detailed plans and specifications to solicit competitive bids for construction and finally awards the construction contract to the low bidder. The design/build process has the design and construction components packed into a single contract that has the potential to reduce overall project cost and project completion time. For a project with Federal Highway Administration funding, design/build has the advantage of committing funds knowing total project cost. For a design/bid/build project, design funds are committed without knowing the total project cost and if construction does not proceed after design, then the Federal Highway Administration design funds must be refunded. See exhibit item 1 for more information.

Ms. Iseri-Carvalho: The question that I guess I would answer here is that, currently, I know... have we utilized all of the design funds for the various segments already?

Mr. Haigh: We have not used design funds for any segments except the original segment, Lydgate Park. Let me correct that. We have used some design funds for the design of the Wailua bridge in that section as part of the Lydgate-Kapa'a project and we are just about to obligate and move forward with design funds for the Lydgate to Kapa'a section. We are moving in the planning on all phases. We have either completed planning or have planning under process.

Ms. Iseri-Carvalho: Okay, so when we talk about these... I am sorry, we were... you were saying the design... we do design then we do planning... I am sorry, we do planning, then design?

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: Right now, planning is happening on all phases and we are currently... you say, we obligated for Lydgate for the design and...

Mr. Haigh: For Kapa'a-Keālia, we obligated design/build funds and then for the Lydgate to Kapa'a, we obligated the design funds for the bridge section and we are just about... hopefully in the next week, the funds will be obligated for the design section from the bridge to the Lihi (from Wailua bridge to Lihi).

Mr. Furfaro: Councilwoman, may I ask a...

Ms. Iseri-Carvalho: Sure, a follow up question?

Mr. Furfaro: Doug, going back on the definitions, there was a key part, but I thought you left out and it is very important to me as Finance Chair, but when you have a design bid, you said, then we take the lowest bid... conditional that the bid covers all of the specs.

Mr. Haigh: I should have used the term responsible bidder.

Mr. Furfaro: Thank you.

Ms. Iseri-Carvalho: Because there has been cases where we haven't used the lowest bid, right?

Mr. Haigh: Well, in design/bid/build process, we have to have very strong reasons not to accept the low bid. In design/build process, you are awarding on value and not on price.

Ms. Iseri-Carvalho: Right, and then right now, we are doing the design/build, yes, okay. Go onto the next question Doug, number 2.

Mr. Haigh: Number 2, has the bikepath portion in construction (inaudible) disability... please provide supporting documentation. We provided the submittals.

Ms. Iseri-Carvalho: Okay, and go through it because the thing I have, exhibit 2.

Mr. Haigh: Actually, for the Kapa'a-Keālia phase, I believe that is what we are referring to here, yes.

Ms. Iseri-Carvalho: I have exhibits 3 to 8. They are not in chronological order.

Mr. Haigh: If we read at the bottom of that answer, it says, see attached exhibit number 2. This was attached to our previous letter dated June 26, 2007.

Ms. Iseri-Carvalho: Okay, well, what we will do is... do we need a recess here for you to provide... because the only one that I have here in my folder at this point is the attachment to July 17, so everything that you are going to refer to that is in another letter...

Mr. Haigh: Actually, I am reading our July 27, 2007 letter submitted to Council and that was updated... that was an update to the July 17, 2007 letter. That was our final letter to Council.

Ms. Iseri-Carvalho: The most current one I have is July 17.

Mr. Haigh: There is a July 27 one which I have all with all the signatures, so I am fairly comfortable that it was sent to you folks.

Mr. Furfaro: Actually, the copy that I have is dated in June, but perhaps I didn't get one because I am not on this Committee, so I will hold my comments.

Ms. Iseri-Carvalho: He is saying the July 25.

Mr. Haigh: July 27 is the final letter that was sent that answered all the questions, but, of course, what we did is we referred to the earlier questions and the earlier attachments rather than just recopying everything. You actually need like three (3) or four (4) letters and the attachments to have the full comprehensive response.

Ms. Iseri-Carvalho: Okay.

Mr. Haigh: It is a package about this thick. If you don't have a package this thick, you do not have the answers.

Ms. Iseri-Carvalho: Then we do not have the answers because I can tell you I have an extensive file and I don't have the July 25 letter... I mean July 27. The last letter that I have is July 17.

Mr. Furfaro: Can we make a copy of what you have Doug?

Ms. Iseri-Carvalho: Let us take a five (5) minute break.

Ms. Yukimura: We need a caption break.

Ms. Iseri-Carvalho: Caption break as well, perfect, we will do a 10 minute break and return back at 3:30.

There being no objections, the Committee recessed at 3:17 p.m.

The meeting was called back to order at 3:43 p.m., and proceeded as follows:

Ms. Iseri-Carvalho: We are still making copies of the documents, so what I will do is recess this Committee.

[The Committee went to the Community Assistance/Intergovernmental Relations Committee Meeting.]

There being no objections, the Committee recessed at 3:44 p.m.

The meeting was called back to order at 4:15 p.m., and proceeded as follows:

Ms. Iseri-Carvalho: Did we finish with the packets of information that was done for the bikepath? Are we still waiting? You can come up and we will start then, since... Donald is... we can start with you, right? We are still on PW 2007-3 which is the update on the bikepath. We currently are awaiting the most updated letter from Public Works regarding the infamous 25 questions that Mr. Mickens refers to. So we will start and they are almost there, so why don't we go onto the next item. Number 2 I think we are on.

Mr. Haigh: I have to leave at 5:30 p.m. to pick up my boy.

Ms. Iseri-Carvalho: Okay.

Mr. Haigh: On question number 2. We talked about the ADA, so now we are at question number 3.

Ms. Iseri-Carvalho: Okay.

Mr. Haigh: And this is one that the answer was answered in this new one. Right before this answer, both Donald... well, Donald and Pat Kaihara went to Honolulu for a special seminar specifically on EA's for Federal projects. So this is the answer that Pat... I really want to (inaudible) Patrick Kaihara who has done most of the work in putting together responses to these questions.

Ms. Iseri-Carvalho: And who is Patrick Kaihara?

Mr. Haigh: Patrick Kaihara is a construction manager working for the Building Division and he is helping us out on a lot of our key critical CIP projects.

Ms. Iseri-Carvalho: Was that part of the Project Manager position? The position that we allocated?

Mr. Haigh: Yes, it is the ones that... for multiple projects, we asked for approval to hire a project manager and he is being funded under those projects and working on those projects.

Ms. Iseri-Carvalho: Okay.

Mr. Furfaro: And that funding actually comes out of the project?

Mr. Haigh: Comes out of the projects.

Mr. Furfaro: Thank you.

Ms. Iseri-Carvalho: And we just had him from when Doug?

Mr. Haigh: Oh, shoot. I think three (3) months... two (2) or three (3) months.

Ms. Iseri-Carvalho: And we expect to have him...

Mr. Haigh: As long as he doesn't have to come before Council, he says he will stay.

Ms. Iseri-Carvalho: He'll stay. Whenever we request for him, we...

Mr. Haigh: Donald was telling me before, you should have Pat come to this. I said, he will quit. He says, no, he has to do it. I said he will quit, but he will like you more if we come.

Ms. Iseri-Carvalho: That is right. Thank you.

Mr. Haigh: Okay, question number 3. What criteria triggers an application for an amendment to an environmental assessment? Who decides when an amendment to the EA is necessary? What is the process for approval of amendments to an EA? What is the estimated timeframe that is necessary to seek approval of an amendment? There are two (2) types of environmental assessments (County, State and Federal). Both types require amendments, re-evaluation of the EA for changes with significant adverse impacts to previously approved projects or for changes that we have (inaudible) in major public (inaudible). The proposing agency, County Public Works or State DOT decides when an amendment re-evaluation to the EA is necessary. If amendment re-evaluation is deemed necessary by the proposing agency, it is sent to the County Public Works or State DOT and Federal Highway Administration for approval. The timeframe varies by the complexity of the amendment/re-evaluation.

Ms. Iseri-Carvalho: Any questions on that question? I guess I do. Who sends it to the Federal Highways?

Mr. Haigh: Well, it is a Federally funded project.

Ms. Iseri-Carvalho: You know like how we have maps.

Mr. Haigh: (Inaudible) County sponsored one, then we would send it to the State and the State would send it to Federal Highway.

Ms. Iseri-Carvalho: The State would and then when it returns, it goes back the same process? It will go back to the State because they will know and then it will go back to the County.

Mr. Haigh: The State administers the Federal Highway program in the State of Hawai'i.

Ms. Iseri-Carvalho: Okay, so anytime there is an amendment, any amendment, are you guys automatically forwarding it to the State?

Mr. Haigh: Yes.

Ms. Iseri-Carvalho: And what, for example, what kind of amendments have we had that we have had to forward to the State?

Mr. Haigh: We have not done any amendments to any of our environmental assessments on the bikepath projects.

Ms. Iseri-Carvalho: So we don't make the determination when an amendment to the EA is necessary?

Mr. Haigh: Yes, we do. As I said, the proposing agency decides when an amendment or evaluation to the EA is necessary. Of course, we are in communication with HDOT and Federal Highway on our projects and if something is going on and they advise us... they think it would be time for amendment, we would then proceed. We work closely with them.

Ms. Iseri-Carvalho: And I guess the question would be then, what are the objective criteria that is relied in determining when an amendment to an EA is necessary or not necessary?

Mr. Haigh: It is... like the sentence said, for changes with significant adverse impacts to previously approved projects or for changes that result in major public dissention.

Ms. Iseri-Carvalho: Okay, now...

Mr. Fujimoto: I went to that workshop on that EA and that was one of my primary questions was what would trigger an EA amendment or what they call a supplemental EA which is really changes to the scope of work. Anyway, the main criteria was that there is, number 1, a significant impact. For example, let's say that you are doing one road project and as part of the road project, you may have to widen the road, you know, maybe by 10 feet and the road is... let's say the road is now 56 feet and you are going to 66 feet and it involves only the intersection points. What is considered to be, again, it is not a significant impact because, you know, you are planning on putting in the intersection, you are planning on widening it anyway, so to add little bit more to that road, it does not require an EA amendment. If you are building a road and all of a sudden that road is now a tunnel... let's say you plan to do a tunnel instead (inaudible) at grade intersection... that is a major thing and that would require like an amendment to your EA.

Ms. Iseri-Carvalho: So are you basically saying that it is discretionate?

Mr. Fujimoto: Yes.

Mr. Furfaro: Excuse me, that is not a true statement. There is a list in Public Works, there is a list with the Land Use Commission, there is a list with the State Harbors Division that says what projects are exempted.

Mr. Fujimoto: That is right.

Mr. Furfaro: So that is where you have to start Donald.

Mr. Fujimoto: There is a difference between exemption...

Mr. Furfaro: I just want to say that if the intersection is about widening, if the intersection is about repair and maintenance, in some cases, it meets these criteria of exemptions and, therefore, it doesn't even require.

Mr. Fujimoto: And... well, those issues... I think the use of additional lands or tying into a State Highway, for example, requires an EA. That is the trigger. There is a whole list of triggers...

Mr. Furfaro: But the answer for us is, you should give us a list of those exemptions.

Ms. Iseri-Carvalho: This is the question that I would ask and that is what we were looking for, exactly what you said.

Mr. Fujimoto: The list is provided on the website... on the State website as well as the Federal website.

Ms. Iseri-Carvalho: But, so, you know, but, again, you know how we have factors to determine like an SMA, you know, whether it affects the view plains, etc., so there is some discretion like you are saying in determining that. But there is the list of criteria that when you make your analysis, you are going to say, based on sub-section whatever... what is the section that it is in? Do you know?

Mr. Fujimoto: I don't have that right off hand.

Ms. Iseri-Carvalho: So maybe we will follow up with a question about, what section is that and then we will have like the seven (7) questions or whatever and then it will be up to your agency, you mean to look at that seven (7) factors and, say, well, here, you know, it doesn't...

Mr. Haigh: We are confusing two (2) steps among the process. When you go to make the decision whether or not you need to do an environmental assessment, then you look at the exemption list. That is posted on the Office of Environmental Quality Controls website for each County and we have ours.

Ms. Iseri-Carvalho: Then we need to update the question because that is not contained in the answer, right? I don't have the...

Mr. Haigh: Right, because that is when you decide whether or not to do an EA. Once you have done an EA and whether or not you need to amend the EA...

Ms. Iseri-Carvalho: Doug, repeat what you said?

Mr. Haigh: Okay.

Ms. Iseri-Carvalho: Slowly.

Mr. Haigh: The exemption list is when you go to do an EA, you look at your project and if it is an exemption on the list, then you never have to do an EA.

Mr. Furfaro: You would never amend it because it is a (inaudible) exemption.

Mr. Haigh: And it is posted on the Office of Environmental Quality Controls website.

Ms. Iseri-Carvalho: Okay, this is the kind of response that we would need for this question.

Mr. Fujimoto: Well, your question, that phase, if you claim an exemption, you never would need to amend that.

Mr. Furfaro: That is my whole point Donald, so you first have to tell us, before we apply for an amendment, there are conditions that might exempt a project and here are the conditions and (inaudible).

Mr. Fujimoto: Well, your question was that after you... in this category where you have to do an EA and you filed an EA or a NEPA (NEPA is a Federal version of the EA) and they have two (2) different State requirements.

Ms. Iseri-Carvalho: And that is what we need to know.

Mr. Fujimoto: It is really hard to explain because it is a very, very broad and for us to explain it, I mean, I could have a journalist and we would be writing one letter this thick because I don't know how to explain it.

Mr. Furfaro: I have to tell you, I know it because it was part of my briefing on the Planning Commission. As a Planning Commissioner, they said, there are certain exemptions in Public Works, there are certain exemptions on State Land Use and there are these lists. All I am trying to say to you folks, if you are waiting to get an amendment on an intersection, there is a chance that that intersection actually is exempt, so don't even worry about the amendment.

Mr. Fujimoto: I went to this workshop and one of the primary objectives of this workshop was to try to see if we could streamline the EA, the State 343 which is the EA process and the NEPA, the Federal process. But, first of all, what they did was identify the requirements of both processes and they are two (2) distinctly different processes.

Mr. Furfaro: The Federal one is different too.

Mr. Fujimoto: Yes, so trying to combine both processes into one is not the simplest thing to do. That is what we found out. It still is possible, but the overlap is so small that, you know, for now anyway, the decision was made to... it is better to just do two (2) separate processes (the State and the Federal). The question that you asked which also is some... after you complete one, after you declare a FONSI, then when would you have to amend that and that is what I thought the question asked.

Ms. Iseri-Carvalho: Yes, and I think it is that, but Councilmember Furfaro wanted to give the whole...

Mr. Fujimoto: That explanation, I wouldn't even try to put it into words. It is a very complicated process and we can submit that to the State OEQC to ask them to try to see if they can do it. Even our workshop material is just tidbits of information and, you know, to try to explain that, I am not sure if we are qualified to even try to attempt to do that.

Mr. Furfaro: My point was only to basically say that there is these lists of exemptions.

Mr. Fujimoto: And that is the first part of it.

Mr. Furfaro: Transportation, highway, that is the first part and if it is exempt from that, you would not have to amend anything even if you had it because originally it was exempted and that is all that I was trying to say Donald. I wasn't trying to implement a process that you would describe the whole thing, but it is important for the group here on the Council to know that there are conditions for flat out exemptions.

Mr. Fujimoto: So I stand corrected because, again, there is this process. The first step would be to see if it was exempt or not and if it is not exempted, then we have to do the EA. And, hopefully, with the EA process, you could do a FONSI (FINDING OF NO SIGNIFICANT IMPACT), and if you cannot, then you do the EIS... and then you are required to do the EIS.

Ms. Iseri-Carvalho: But then assuming then we have to do an amendment which is what the basis of the question, there are two (2) things we need to look at. One is whether or not there is significant adverse impacts and the other is whether the changes that are requested are with major public dissensions.

Mr. Fujimoto: That is right.

Ms. Iseri-Carvalho: Right, those are two (2) things and I got that. Okay, and then so you decide that, right? Whether any of those apply. In making your

decision, it is not purely arbitrary. What you are doing is that you are consulting at the same time with the Department of Transportation and the other people that are responsible for giving the FONSI. That is what I want to give... that there is confirmation that there is consultation, it is not that we make our decision all on our own. We actually consult with State people and maybe Federal people, so that we are confident that our decision is the appropriate decision given the facts that we relayed, of course, to these other parties that we consult with.

Mr. Fujimoto: And I think that is part of the system that we do have checks and balance that if anybody would come out and say that, it would be like the Federal Highway or the State people. I think you are going to have to do an amendment. I think this is beyond the original scope of work and they have done that. We missed one which was the thing about the roofs and that should have been caught, but that fell through the cracks.

Ms. Iseri-Carvalho: You know, just to know that there is a process that we constantly engage in that process. See, I think, for me, what was missing from all of this, is trying to establish credibility for the decisions that are being made. And, you know, we say, yes, we talked to them... well, there are things that you talk to them that are specifically required or specifically recommended because you won't want to be stuck with making a decision and then later on, the State says, eh, you didn't consult with me and you guys give me back the funds that we are being assured along the way when decisions are made even though they may be erroneous at some point, but we are protected that we have consulted with other parties, so that if we make the wrong decision, they are aware of it and they participated at that time. Okay, now you say, then... we have never had to require an amendment to the EA at this point with this entire project thus far.

Mr. Haigh: That is correct.

Ms. Iseri-Carvalho: Okay, we don't know if some is going to (inaudible).

Mr. Haigh: We don't know.

Ms. Iseri-Carvalho: What kinds of considerations have come up where you guys have found that there wasn't any significant adverse impact, just some examples (inaudible)... that you guys have considered.

Mr. Haigh: I can't see anything really significant and the thing that kind of protects us is any change is probably going to have a cost impact on every change order is approved by HDOT and Federal Highway and they have to sign off on it. So I really haven't seen a change... for the bikepath, it is kind of inherent because a bikepath in a park is exempt from the State... it is on our exemption list and it is also a Federal Highway (inaudible) for exemption (inaudible). So our minor changes... we went overboard and did an EA just, you know, for it to really get a lot of public input, so any minor changes within that EA which actually didn't

have to have an EA because it has exclusions, then it is very unlikely that changes to that are going to trigger a need for an amendment.

Mr. Fujimoto: I can tell you one reverse situation where there is something that now we are looking at trying to amend an EA, and that is assuming that we would like to incorporate, you know, hardening or reinforcement of that road by Fujii Beach. Hopefully we can amend our EA and the Federal government would approve that as part of our scope of work and expand that to include that work.

Mr. Haigh: Yes, that would be something that I would expect us to have to amend the EA.

Ms. Iseri-Carvalho: And you have to.

Mr. Haigh: Because it is a significant change to our original proposal because we repeatedly stated that we will not be hardening the shoreline as part of this project.

Ms. Iseri-Carvalho: Right, and I think...

Mr. Haigh: Well, if we do it, then we would have to... I would recommend... highly recommend amending the EA and work with Federal Highway and State on that.

Ms. Iseri-Carvalho: And maybe, you know, again, in light of the information that we have received now, we may start that discussion, so that we don't, you know, push the project back necessarily. We are having these kinds of discussions should this happen... should we get this report, you know, what is the direction we should start preparing ourselves for, so that we don't end up with these cost in the end. So any other questions on question...

Ms. Yukimura: I have a question or comment maybe. I want to commend you for proceeding with the EA even though the bikepath is covered by categorical exemption because given the Supreme Court decision on the Superferry, categorical exemptions are really suspect. So they, you know, they do... in fact, if I read the Supreme Court opinion correctly, they are saying that you have to look beyond the exemption to see if there are going to be potential environmental impacts and if there are, you have to go through the EA process. So good for you that you anticipated that.

Mr. Furfaro: Thank you Doug.

Ms. Iseri-Carvalho: We can go onto question 4.

Mr. Haigh: Question number 4, what is value engineering? Who developed the criteria for value engineering? How were they selected? How was this process of value engineering applied to the bikepath? We attached an article about value engineering that is part of the ASHTO document. Basically three (3) key features... the owner will consider proposals that may potentially result in savings without damaging essential functions and characteristics of the facility. And then they submit a description of existing work and proposed changes together with the detailed cost estimate to determine cost savings. If the value engineering change proposal was accepted by the owner, the owner will pay the contractor 50% of the cost savings. Now, we didn't do that in our case and I will explain why. I attached a memo (Public Works memo 6-7-02) which identified the Director of Finance approval of the negotiating team for the Kapa'a-Keālia project which required value engineering to get the project within budget. Members of the team as recommended by the Deputy County Engineer, Steve Kyono, District Engineer – State of Hawai'i's Division, Mel Ventura – Kaua'i property developer, Alex Pascual – Assistant Chief of Engineer, Department of Public Works, Doug Haigh – Chief of the Building Division, Department of Public Works.

This team negotiated an 18% cost savings with Glover with minimal reduction and scope of work. The County accepted 100% of the cost savings and no sharing with the contractor. The reason is that the value engineering took place prior to execution of the contract.

Ms. Iseri-Carvalho: Okay, questions?

Mr. Haigh: And then I had another exhibit for more information. Exhibit item number 4 and just to clarify, we titled the exhibits to the question, so there may be gaps in the exhibits because we didn't want to... because this was dragging over a long period of time, so you just look for exhibit number 4 and that will be the exhibits associated with this question.

Ms. Yukimura: I have a question.

Ms. Iseri-Carvalho: Yes, proceed.

Mr. Furfaro: She said proceed.

Ms. Yukimura: Oh, okay, thank you. What was the 18% cost saving equivalent to in terms of dollars?

Mr. Haigh: You know, I had the number and I think it is like \$3 million. I think it went down from 15 something (change side of tape)... (Inaudible)... you know, I had that all in my mind, but it is...

Ms. Yukimura: I just wanted to get some sense of the magnitude.

Mr. Haigh: \$3 million to \$4 million range.

Ms. Yukimura: And that is from what your estimates were in terms of your...

Mr. Haigh: No, this was a design/build process and we had three (3) proposals and the proposals were evaluated on design issues without the reviewing team knowing the cost. And then the cost came in as a factor strictly on the mathematical relationship.

Ms. Yukimura: Okay.

Mr. Haigh: So this was not the low cost bid. This was the bid that was selected as the highest value with the weighted cost factor.

Ms. Yukimura: I see, alright, thank you.

Ms. Iseri-Carvalho: Councilmember Furfaro?

Mr. Furfaro: Yes, and Doug, I think I shared this once. I thought that was a very good financial story that you presented, but all of it was really possible I think because you had an exceptional committee that was available to you to do these evaluations and whether it was a cosmetic item or a material change... the reality, none of it really compromised the integrity of structures or building. It was mostly based on those particular kinds of details that focused around cosmetics and I guess minimum standard. But a lot of that credit and, again, I said this was a very good story when you presented it to us was the fact that you had a very good committee of the people that you listed.

Mr. Haigh: And thank you. I particularly want to thank Mel Ventura for helping us. He was the only non-governmental employee and there is nobody on Kaua'i with more development construction experience, good judgment than Mel and he is... he is local Kaua'i boy, but he is just... he is no longer a boy, I always call him Mr. Ventura, but he... I mean, we are so fortunate to get him helping and, of course, Steve Kyono has years of experience and Alex has had years of working with contractors, so he was tuned into the construction stage and issues there, so we are really fortunate to get that kind of participation.

Mr. Furfaro: I guess my point is that it is really important to do good valued engineering to have the strength in the committee that understands the aesthetics and the cosmetic part (inaudible)... you know, and the substitute of product.

Ms. Iseri-Carvalho: Well, you know, I don't totally agree with what has been stated, you know. When we had looked at and I remember going through this value engineering and going through the cost of certain items, one of the problems

that I did have was that this did not only deal with aesthetics. There were functional things that were... you know, like the bathrooms.

Mr. Furfaro: We had this discussion about bathrooms and...

Ms. Iseri-Carvalho: Right, but then it was never answered. Can I finish? It was never answered and, you know, this is one of the questions that is coming up. Why was the bathrooms cut in half when that was clearly something that was important and I will get to that. I don't consider those kinds of value engineering as being productive for the community and cost effective. Those are necessities, you know, I think there were shower heads that were cut in half and I will go through the conceptual plans that, you know, instead of four (4), we have two (2) and I don't consider that value engineering.

Mr. Furfaro: Well, if I can get just one more moment of courtesy here. I just want to point out that the key, though, is to have a good committee. We may subjectively not agree, but the key is to have a good committee.

Ms. Iseri-Carvalho: It is always good to have a good committee, but, again, I think we need to look at the functioning value of things that are important to the community and we will get to that because bathrooms have been a major issue. When we did the ADA, we took out half of the bathrooms and we are doing that again and we did that again here in Keālia and that bothers me.

Mr. Furfaro: Okay, but that is a reconstruct and this is a new construction and there is a major difference. I agree 100% with what the Councilwoman said on the bathrooms that we had modified that were existing, we didn't get the best result, but on the new build, I just want to point out, there is a major difference.

Ms. Iseri-Carvalho: And I think that because it is a new build, we should have stayed with the higher amount which would have been eight (8) as opposed to cutting it down to four (4) because we had that opportunity to leave it at that amount.

Mr. Furfaro: I agree, point well taken.

Ms. Iseri-Carvalho: So, again, we will get to that. I think there is a question in there, you know, those kinds of services to me are much better than this aesthetics and, you know, trying to blend in and earth tone. I think if you asked the community how much bathrooms would they want... would they want to cut out the bathrooms and have a prettier wall, I think people would say no. You know, let's have the maximum amount of bathrooms that we can in that area. Let's have the maximum amount of shower stalls that we can have as opposed to, you know, having the nicest wall or the nicest bridge design or that effect.

Mr. Furfaro: Point well taken.

Ms. Iseri-Carvalho: People want to utilize functioning items more so than aesthetics at this point anyway especially if you are dealing with a limited amount of land. Alright, if we can go onto number 5.

Mr. Haigh: Number 5 was a question on contracts and I have all the numbers there. I don't... I would like to skip reading that. I assume that you folks can look at that as you need.

Ms. Iseri-Carvalho: Has it been updated until when? How current is this information?

Mr. Haigh: This one was answered in one of the earlier... this one I think was answered in the earlier letter in June, so that would have been the time when it was current.

Ms. Iseri-Carvalho: Right, and that is why... I mean, you know, when we ask for these things, you know, I would prefer to have updated information, so can you check on this item if there has been updated cost?

Mr. Haigh: Well, there has been. I mean, we are paying people as they do their work, so every month, we will be changing those numbers.

Ms. Iseri-Carvalho: Okay.

Mr. Haigh: The contract amount won't necessarily change, but sometimes we are doing contract amendments.

Ms. Iseri-Carvalho: We will send over a new question to see the updated amount for this item and that is fine. Because this is from June, it is not necessary that you go through it, but we will ask for an updated amount. You can go onto number 6.

Mr. Haigh: Okay, number 6, what efforts have been determined? Who is responsible for construction cost of the roofs on the rest stops? Who will be responsible for the cost of the removal of the roofs if it is deemed necessary? At this point, that is kind of moot question because the Planning Commission approved all roofs to be built.

Ms. Iseri-Carvalho: Well, and this is a problem that I have. The administrator made a decision to remove the roofs. That was the representation that was made here. That was the representation that was made more than several times by your Mayor.

Mr. Haigh: There was. There was an administrative decision that was made to remove the roofs from the rest shelters at Kapa'a Neighborhood Center and near the Kapa'a Lookout. Since that time, we went to the Planning Commission to amend the SMA permit to allow the roofs and with only roofs number 2, 4, 5 and 6 requested. The Planning Commission approved that, but then put a condition on that we do install the roofs on number 1 and 3.

Ms. Iseri-Carvalho: There was a reconsideration that was done by your Administration subsequent to that.

Mr. Haigh: The Mayor requested reconsideration and then after certain issues, that reconsideration request was withdrawn by the Administration.

Ms. Iseri-Carvalho: That is correct and that is what I am talking about, you know, making some representation and then changing your representation without coming back to the Council or the members who those representations were made to say that a different decision was going to be made. I mean, I don't think that is communication as we speak, so Councilmember Yukimura?

Ms. Yukimura: Just a point of clarification. So it was the Administration's desire that the roof by the neighborhood center and near the lookout would not... that those two (2) rest stops would not have roofs?

Mr. Haigh: That is correct.

Ms. Yukimura: Okay, but it was the Planning Commission that required the roofs, is that correct?

Mr. Haigh: That is correct.

Ms. Yukimura: So the Planning Commission didn't go along with the Administration's proposal.

Mr. Haigh: That is correct.

Ms. Yukimura: Okay, so it, in fact, went against the Administration's proposal?

Mr. Haigh: That is correct.

Ms. Yukimura: And so we are sort of stuck to have all roof... all of the roofs on all of the rest stops.

Mr. Haigh: That is how the project is proceeding.

Ms. Iseri-Carvalho: That is my next question. My next question is, we want legal... I want... and this is what I was asking for. There was a determination made that the removal and disposal cost... the only reason why the Planning Commission voted to put those roofs on or leave those roofs on was because your representation which was different than the Mayor had recalled was that the roofs were no longer viable. I guess they were... I guess they said that it had rusted through and this was the Mayor's representation that the nails had rusted through and that was representations that were made here as well on Council floor. The nail had rusted through because of the elements near the ocean and because of the rain and because of the exposure that those roofs were no longer valid. That was the representation that was made here and...

Mr. Haigh: I don't believe I ever made that statement.

Ms. Iseri-Carvalho: I can tell you that... we can pull out the minutes. I am not saying that you made it, I am saying that there were representations that were made by the Administration and I can tell you that we had asked a while ago which was when the first initial request went out on a legal opinion, on a contractual interpretation as to who was responsible for the construction of the roofs in light of the fact that there weren't permits for those roofs, number 1. And number 2, how was that determination made? Was it made on a legal basis? But here you have an answer... the removal and disposal cost will be borne by the County and we will have to reimburse the Federal dollars for the initial installation of the roofs which behooves my imagination because it was never legal to begin with, so why should the County have to pay for that. But my question is, was there a legal opinion on the interpretation of the contract as to who was responsible for the removal, repair, or reinstallation of those roofs?

Mr. Fujimoto: I don't believe that we asked for a legal interpretation.

Ms. Iseri-Carvalho: Okay, so I am totally appalled that we would be there to make a representation to the Planning Commission that that is the case when we had asked for a legal opinion before here, never got one and there was never a legal opinion that was rendered prior to making that statement. I mean, did we all of a sudden become experts in the law to determine the contractual nature of who was going to be responsible for these costs?

Mr. Fujimoto: I don't remember specifically being asked for a legal interpretation on that issue. My understanding of the situation and this is, again, construction contract, design/build contract. The contractor or in this case the design builder was responsible for certain things that he represented and he said he would provide these items which were the six (6) rest areas with roofs and he would also be responsible for all permits. Therefore, we are in acceptance in everything we did was based on that reliance.

Ms. Iseri-Carvalho: I am sorry, repeat that Donald. Can you repeat that?

Mr. Fujimoto: Well, there was (inaudible) buildings of bathrooms and I think the issue was these six (6) rest areas with the roofs. What had happened is, during this process, we realized that the design/builder failed to get that SMA amended to include those roofs. So, thereby, anything dealing with those structures was the contractor who (inaudible) design (inaudible) responsibility. Now if we... during this process, stopped him from doing what he needed to do to get these permits or approvals, we, thereby assume liability because we are now stopping him from doing what he would otherwise have to do legally. That is where this issue about... if we lack to say don't put on these roofs no longer, it is now... we have relieved him of that responsibility for those two (2) structures.

Ms. Iseri-Carvalho: I don't understand that. You are saying that the design builder failed to get a permit...

Mr. Fujimoto: Well, we entered into a contract that actually said that we would accept his proposal to build six (6) rest areas and all of these on good faith, you know, because we did do a design process.

Ms. Iseri-Carvalho: And was this a written contract?

Mr. Fujimoto: Yes.

Ms. Iseri-Carvalho: Okay, so you had a written contract to build six (6) rest areas with roofs?

Mr. Fujimoto: Yes.

Ms. Iseri-Carvalho: Or without roofs?

Mr. Fujimoto: With roofs and we have this, again, obligation to Federal Highways because they approved the project based on these improvements also. So everything is approved on these six (6) buildings. Now, if during the process, we now decide that we want only four (4), then... again, the contractor, because of his own shortcomings had started the process and he actually built some of it... would now push the burden on us because he is saying, you know, I want to do this right and I can get this right if you let me. But now you are saying for me not to proceed, so then the liability now comes onto us.

Ms. Yukimura: Okay, so may I ask a question? So, actually, the incurred cost or the additional liability was due to the fact that we asked the contractor to stop.

Mr. Fujimoto: Yes.

Ms. Yukimura: And it was actually Council action or Council request that did that.

Ms. Iseri-Carvalho: That is totally untrue. That is totally untrue.

Ms. Yukimura: Okay, I am asking, I am asking.

Mr. Haigh: That is a separate situation.

Ms. Yukimura: Okay, thank you.

Mr. Fujimoto: The Administration felt that during this process of trying to get this SMA amendment, he personally felt maybe some of these structures were not appropriate.

Ms. Yukimura: Okay.

Mr. Fujimoto: And it was his decision at that time to make that decision.

Ms. Yukimura: Okay.

Mr. Fujimoto: And during this process and all of this so-called information came out and I am just trying to share with you why it was in that (inaudible)... and the final ultimate decision not to ask for the reconsideration was exactly that. There was a lot of public input during the process that actually supported these structures, so... because there is a cost involved by allowing it to stay that we actually relieved the County from additional liability.

Ms. Yukimura: So excuse my error, but the Council had concerns about the roofs, but, in fact also, the Administration on its own initiative had concern about the roofs, is that what you are telling me?

Mr. Fujimoto: Yes.

Ms. Yukimura: And had made an administrative decision to request the contractor to not build those roofs?

Mr. Fujimoto: Well, the process, yes, not ask the contractor. I mean the contractor already had started, so our request was to Planning to not approve...

Ms. Yukimura: Since we had to go to the Planning Department to amend the SMA application, it was during that application process that the Administration said, Planning, we are amending it to get your approval of these roofs except for two (2) because we don't want them anyway.

Mr. Haigh: Correct.

Ms. Yukimura: Okay.

Mr. Haigh: And that was... we, as the applicant, had to submit the application while we had the design/build team prepare all the documents.

Ms. Yukimura: And by doing that, we incurred certain liability to the County for the cost of those two (2) roofs. And at the same time, the public was coming forward and saying, we want those two (2) roofs as well as the others. So the Planning Commission, in light of the liability to the County and the public pressure to have those roofs made a decision to go contrary to the administrative request and require roofs.

Mr. Haigh: Correct.

Ms. Yukimura: Okay, thank you for the explanation.

Ms. Iseri-Carvalho: Well, I think you should be full in giving the information. That is somewhat true of what happened, but because there was... I wouldn't say that all of the public wanted those roofs. I mean, we had that discussion a long time over and over. Now simply because those roofs came, they weren't, you know, people I know who even signed those petitions were like, yes, but we weren't told that, you know, people could be setting up and drinking while we are holding our party out over there and that, you know, nobody is going to monitor that. We weren't told this information, so when people went out and signed these petition saying, well, we don't want to pay for something that we already had up... if it is up there, you know, just leave it. So there was, again, a lot of information that was not provided because have your first baby luau and you can see all the people that are drinking there and, in fact, having fights as we do out here right outside where you are having your baby luau outside of Kapa'a Neighborhood Center. You know, those kinds of issues were not discussed with those petitioners who had gone out... I guess it was Mr. Noyes who was sending around petitions through the County e-mail requesting people to sign. You know, I find that kind of process quite flawed in trying to get the kind of information just to support those certain positions that maybe you guys are advocating, but I really think that it is important because I do recall asking for a legal opinion because, you know, there was an interpretation done by maybe you, an interpretation done by Glover as to whose responsibility was it. In fact, the Mayor himself testified at the Planning Commission that the reason why he wanted those roofs off was because, you know, there would be actually cost that would be incurred to the Administration, so he was even confused about who was paying for these roofs and who was paying for finishing the roofs and who was being charged with removing the roofs. I sat there through that whole hearing, so I knew what the Mayor said. He was there for about 15 minutes until...

Mr. Fujimoto: I am not sure where he got that impression.

Mr. Haigh: And at that same meeting...

Ms. Iseri-Carvalho: Well, that was the same meeting he said exactly that and it was when Doug Haigh came up and says, you know, I think you are mistaken. I don't know how the Mayor can be mistaken. He is the one that runs this County, but apparently it is like I don't know why you are mistaken on that issue when you are testifying in support of your position that is totally opposite from what your Administration is saying.

Ms. Yukimura: It was a big mistake, I admit that.

Ms. Iseri-Carvalho: You know, it was embarrassing at the very least, but, you know, we will move on this issue, but I really think and will ask for the opinion by the County Attorney because I don't think that it should be in our obligation.

Mr. Haigh: So you will submit that question directly to the County Attorney?

Ms. Iseri-Carvalho: Yes.

Mr. Haigh: Thank you.

Ms. Iseri-Carvalho: We will be submitting, again, the first question on the update.

Mr. Haigh: And this answer we provided was really based on Donald, Pat and my many years of construction management experience and how contractual law we see is managed within the construction environment. All three (3) of us were very comfortable with this answer.

Ms. Iseri-Carvalho: Are all three (3) of you attorneys?

Mr. Haigh: We are experienced construction managers and between us, we probably have about 60 to 80 years of construction experience.

Ms. Iseri-Carvalho: My point is, are you an attorney? You may have been doing things for 30 years and I don't care if it is 60 years that you have been doing things, it is as if, you know... we have been doing... look at the Superferry. The Department of Transportation says that they have been doing this ever since the beginning of time and they have been doing it wrong. I am sure that they have been advised by the AG's Office because the AG's Office has interpreted their interpretation as correct, so they do get their State Attorney to give an opinion.

Ms. Yukimura: But those attorneys were wrong.

Mr. Fujimoto: I would like to say that, you know...

Ms. Iseri-Carvalho: And our attorneys may be wrong too, I mean, who is to say and that is what I am saying. You can have 60 years of experience and who is to say.

Mr. Fujimoto: I welcome the legal interpretation of this because I, myself, would be... I would be very surprised if it is different from what we see, but I would like to see... I mean, I would like to learn too and if it is different, then I would like to know why.

Ms. Iseri-Carvalho: I can tell you that the Department of Transportation, Barry Fukunaga said that he was very surprised by the decision that was handed that has been doing things wrong even with all of his experience. You know, like I said, it is not that it is not a possibility. There are a lot of instances where you may think that you have been doing something correct all your life and then you find out that it is not. So the next question is 7.

Mr. Haigh: Number 7. Please explain the reasons for the differences in value for all structures in the spreadsheet between the bid and the contract as listed on the spreadsheet of May 15, 2007. Glover responded to this. Various differences, but overall, the original bid concept was a lot more fancy and Keālia Beach comfort station was relocated. See also answers to questions number 9 and 13 which are related to this question which are more specific items and then we have an exhibit attached.

Ms. Iseri-Carvalho: And it would be... I guess when we have these kinds of extensive questions, if they don't have page numbers, it is real hard to find these exhibit numbers.

Ms. Yukimura: I agree with you.

Ms. Iseri-Carvalho: I mean, I cannot find it. It just wastes my time.

Ms. Yukimura: (Inaudible-more than 2 people talking at the same time).

Mr. Haigh: The 8 ½" x 14" in your package is the beginning of exhibit number 7.

Ms. Yukimura: If I might just explain. Councilmember Iseri-Carvalho is used to the legal way that they have tabs on every exhibit and I share her understanding.

Mr. Furfaro: Well, I don't think it is necessary the legal way, but this is not the first time that we have asked you guys to number the pages and you don't have to be attorney to figure that out. Just number the pages guys. This is about the third time we have requested this.

Mr. Haigh: Actually, the pages with the answers are all numbered. The letter we sent are all numbered and each exhibit has a number. We did not number every attached to the exhibits and I apologize for that.

Mr. Furfaro: But thanks for numbering the narrative Doug.

Mr. Haigh: You know, there are some key questions on these issues and I think one of the big key questions was the Mo'ikeha Canal Bridge where we were able to reduce the amount of cubic yardage... I mean the original had a smaller cubic yard, but we were able to save money. What that was... the original proposal had a stainless steel structure if I remember correctly and what we did was we changed that to concrete in order to save money. They were basing it on a lightweight bridge to utilize the existing foundation and as we got in through the value engineering, in order to utilize the existing foundation, there was a whole lot of money to do the testing, so it is going to cost more money to test the existing foundation and develop this lightweight bridge rather than just add in some new piers and build a concrete bridge, so it is part of value engineering that they shifted to that concrete bridge, so that is kind of an example on the bridge (inaudible).

Ms. Yukimura: Is that what made it higher though?

Mr. Haigh: Higher as far as elevation?

Ms. Yukimura: Yes.

Mr. Haigh: No.

Ms. Iseri-Carvalho: What was the reason for the higher elevation which was one of the major complaints from the oama fishermen because their poles could not reach the water. I mean, you know, that was... first of all, we told them to wait because we were going to get that bridge completed hopefully and then the bridge got delayed, so we passed that one season and then the season came up again this past year. They are like, well, it doesn't make sense because we cannot use that bridge anyway because it is too high to fish.

Mr. Haigh: I would have to get back to you on that answer. There is a concrete beam in there, so maybe that did put in the concrete beam across to require the elevation and beam, but I think there may have also been flood issues involved, but I would have to get a formal answer.

Ms. Iseri-Carvalho: And the if we can document that question and we will send it over with the next list of questions.

Ms. Yukimura: Regarding that, I mean, it appears you folks were thinking of the fishermen because there is actually a side place for the fishermen to stand (fisher people).

Mr. Haigh: Correct, we have ADA accessible fishing spots and probably the first in the State.

Ms. Yukimura: But I guess the real test is whether the poles can reach, so you know, apparently there is an issue there. You know, this is the first time we have done it and, you know, there is thankfully that other bridge closer to the main highway that is lower. But, apparently, we didn't achieve our goal and I don't know all the details of it, but, I want to acknowledge that there was a deliberate effort to try to think about... I mean to recognize the cultural activity that went on that bridge, but somehow, you know, we didn't quite get it there.

Mr. Haigh: Well, some of the project team are actually fishermen and they didn't catch it. I don't fish, so I would have never caught it.

Ms. Iseri-Carvalho: And, you know, it is small things like this, but it is actually big things to people who use it all the time. We do that every year, you know, our family meets every year over there and they were probably the biggest persons that were complaining. I mean, it was just a big cultural disservice when that occurred. First of all to miss the season and then for me to go back and promise that, well, no, we are going to make it this season and then it made physically unable to fish. Even if you had the long tsuji as Councilmember Kouchi is saying. You can have an extremely long tsuji, but, you know, my daughter is like seven (7) years old and by the time she brings up the fish, the fish fall out, you know, it falls down into the water. So it was just a nightmare for her and nightmare for a lot of other kids that were fishing or used to fish all the time over there because they came home with a lot smaller pot. I mean, maybe one or two (2) at the most. You know, sometimes fishermen have good days and sometimes they have bad days and will find any reason to blame why they didn't catch fish, but that clearly was one that was expressed not only by kids, but the many people that have been doing that for... we see the same people every oama fishing time, you know, for the last 15 to 20 years and somehow if we can accommodate that whether by making that second level... I guess there is a second level and I don't think the bridge is completed yet, right?

Mr. Haigh: It is.

Ms. Iseri-Carvalho: It is, so it is just going to stay like that.

Mr. Haigh: Correct.

Ms. Iseri-Carvalho: I don't know how we can accommodate that, but the one thing I know is that I see people jumping from the bridge and we have done that as kids a lot even... we were actually, Kyron and I were there... that was July 31<sup>st</sup> when we did the site visit and there were kids that were... they have to be like 14 years old and the water was two (2) feet deep and they were jumping off the bridge and that is where, you know, we had a child that is now unable... and that just happened last year. We had two (2) actually. There was one that happened over at Hanalei pier and one was from that exact same bridge. So the dredging issue as well as the bridge... I don't know if it is, again, for County liability, are we going to be putting up signs, you know, no jumping off the bridge.

Mr. Haigh: Now on the fishing, are you referring to the Waika'ea bridge or the Mo'ikeha bridge because the Waika'ea bridge specifically went higher to allow for the boats, so that was requested by the Harbors.

Ms. Iseri-Carvalho: No, both of them. I mean, both of them actually went higher.

Mr. Haigh: Waika'ea went higher specifically as a request from harbors.

Ms. Yukimura: Which is by the library.

Mr. Haigh: That is Mo'ikeha and that is the one that is in the fishing (inaudible).

Ms. Iseri-Carvalho: But the jumping one is the higher bridge. Now, we made them even higher and they are jumping. I mean, Kyron was like, oh my gosh, this is kind of scary and we were... I mean, these were like teenage kids jumping, so, again, you know, check with the County Attorney on the signage and we will send over that question as well whether we have to put up more signs. I know when we did the State Highways, they have like no parking on the bridge as you are going through the bypass road. Even something as simple as that I think might minimize our liability just a little bit because we know from childhood, a lot of... we've done that all the time. I mean kids have done that all the time and now it is even more thrilling and exciting because it is even higher and yet the water is actually lower now, so there is a dangerous situation there.

Mr. Haigh: Question number 8?

Ms. Iseri-Carvalho: Yes.

Mr. Haigh: Okay, provide copies of all change orders and those are there and then there is a question of... and all change orders were submitted by Doug Haigh and/or Engineering Division, Project Engineer recommended and/or

approved by the County Engineer, Deputy County Engineer, approved by the Director of Finance, incurred by State DOT-Kaua'i District Engineer and approved by Federal Highway Administration Transportation Engineer. That is the chain of command of what occurs on changes.

Ms. Iseri-Carvalho: Did we have reasons for those change orders?

Mr. Haigh: The reasons are... should be...

Ms. Iseri-Carvalho: They are on the change order? Okay, and I will look at them later. I know you are expediting it, so I will go... you know, we will try to go quickly and then I will try to read it after the meeting and if there is follow up questions to enhance the question that I have, then we will send that over, Doug.

Mr. Haigh: And then item number 9, I did talk about.

Ms. Iseri-Carvalho: That is the same thing.

Mr. Haigh: That is about the bridges. One of the biggest thing was... the original bid was based on reusing the existing foundations and it turned out that testing cost was so much more expensive than just going ahead and adding additional structures. And it was stainless steel, I am sorry, except for our (inaudible) materials (inaudible)... but they went to concrete to save money.

Ms. Iseri-Carvalho: Was the bridges that thin though? The first one we looked at, I thought was thicker. You know, the width of the bridge because it is kind of flimsy.

Mr. Haigh: Wider before?

Ms. Iseri-Carvalho: Yes, was it wider before? Did we change it?

Mr. Haigh: No, none of the bridges were wider before. I mean the Keālia stream bridge, I forget because that was the cane haul bridge and I forget what the width of that was.

Ms. Iseri-Carvalho: No, but the Mohikeha...

Mr. Haigh: They were all narrower. They were only like six (6) feet... five (5), six (6) feet.

Ms. Iseri-Carvalho: The railings, I am sorry, the railings.

Mr. Haigh: Were higher maybe?

Ms. Iseri-Carvalho: Were they thicker initially?

Mr. Haigh: Well, before was galvanized steel railings.

Ms. Iseri-Carvalho: And they were, yes?

Mr. Haigh: Well, they would have been two (2) inch... this is FRP which are probably two (2) inch sections and I am not sure exactly.

Ms. Iseri-Carvalho: I mean, we watch... even if we told them not to jump there, they are still going to jump. But each time they jump, like the bridge, it would move like that, so I don't know if they needed to put more...

Mr. Haigh: I am concerned about those railings. We have not done our final acceptance and I am concerned about the flexibility in the railings and I have noticed that also.

Ms. Iseri-Carvalho: And maybe we can address that.

Mr. Haigh: Yes, and that is something that when we do our final inspection, we will be assuring that they are... we will have their structural engineer verify that it is correct.

Ms. Iseri-Carvalho: Okay.

Mr. Haigh: Here is one for Glenn Mickens. Is he still here? Okay, good.

Ms. Iseri-Carvalho: Word for word now.

Mr. Haigh: What is the definition of temporary bridge? What is the definition of permanent bridge? Please cite your source of authority. What kind of bridge is proposed for the Wailua cane haul portion of the bikepath? If it is temporary, please indicate the reasons that a temporary bridge was chosen as opposed to a permanent bridge? What is the width of the path on the cane haul road? (Inaudible) bicycles and pedestrians be able to... following this response from HDOT. What is the definition of temporary bridge? One that is doesn't meet the long term bridge requirements of the route. What is the definition of a permanent bridge? One that does meet the long term bridge requirements of the route. Please cite your source of authority. No specific source of authority, just... DOT policy. You can't argue with policy.

What kind of bridge is proposed for the Wailua cane haul road portion of the bikepath? I believe Doug Haigh can answer this, but, no, actually... wait a minute.

Ms. Iseri-Carvalho: They are telling you to answer this question.

Mr. Haigh: Okay, but I got State DOT to answer...

Ms. Iseri-Carvalho: It says, I believe Doug can answer this part.

Mr. Haigh: No, that should have been edited out.

Ms. Iseri-Carvalho: It has been a long time since you've read this or you would have edited it yourself.

Mr. Haigh: If it is temporary, please indicate the reasons that a temporary bridge was chosen as opposed to a permanent bridge. This is where I got the State guy to say, the bridge is temporary. Existing traffic conditions require both HDOT and County of Kaua'i to work together to provide additional capacity on Kūhiō Highway. The long term permanent bridge will be done under the Kapa'a relief route. Currently, the Kapa'a relief route is in the planning phase with an ongoing environmental impact statement. The alternatives for crossing the Wailua River being evaluated in the EIS includes a crossing up river of the existing bridges as well as a crossing at the existing bridge location. After the draft EIS is released later this year, a preferred alternate will be chosen and the additional environmental studies needed for the final EIS and the ROD...

Ms. Iseri-Carvalho: What is ROD?

Mr. Haigh: Shoot, I had that answer. Oh, it is like a FONSI, but it is a... Reason of determination or something like that. It is the same thing as a FONSI, but it is for an EIS. EIS does not have a FONSI, EIS has a ROW which is...

Ms. Yukimura: It is something about full disclosure has been made probably.

Mr. Haigh: Well, it is a determination or whatever or something like that. Sorry, I had that answer. Because we have to go through all these steps, the earliest the EIS completed is at the end of 2008. If significant environmental issues are discovered, the timeline could be extended significantly. This does not include the time needed to fund, design and construct the long term permanent bridge. As stated above, additional capacity is needed now, therefore, the short term temporary bridge improvements will be constructed on the Wailua River cane haul bridge with the long term permanent bridge being done later under the Kapa'a relief route.

Ms. Iseri-Carvalho: I thought there was some determination when we had this discussion about a 20 year term as being temporary, so there is no time limit as far as temporary or permanent?

Mr. Haigh: Not according to HDOT policy as reviewed as given to us by the HDOT engineer.

Ms. Iseri-Carvalho: Okay, and we will follow up because I recall 20 years as some kind of gauge whether it was temporary or permanent as stated before. Councilmember Yukimura?

Mr. Haigh: Okay, no we have further answers. Okay, then the question is on the... this I went over this morning. What is the width of the path of the cane haul bridge and I went over this, this morning.

Ms. Iseri-Carvalho: Yes, we did that and that ends the question, so Councilmember Yukimura?

Ms. Yukimura: Could the County in the agreement it has made with the State that the moneys be used... that the bikeway moneys be used for design and State moneys be used for construction have included a provision that if... if another permanent route was not found within so many years, that the bridge would revert to County pedestrian and bike use as a way to force it to be a temporary bridge?

Mr. Haigh: You have to remember, the existing bridge is the State's bridge. They are allowing the County (inaudible).

Ms. Yukimura: You mean the cane haul bridge?

Mr. Haigh: Yes, that is the State's bridge, so I don't see how the State would ever entertain such a...

Ms. Yukimura: Well, we have to have a policy like the city of Vancouver where their transportation priorities are pedestrians first, bike second, transit third, and cars fourth.

Ms. Iseri-Carvalho: The question on this is, is it current? Is the Kapa'a relief route still in the planning phase with an ongoing EIS? Is that current?

Mr. Haigh: Excuse me?

Ms. Iseri-Carvalho: Has...

Mr. Haigh: That is current and it is still ongoing.

Ms. Iseri-Carvalho: When is that?

Mr. Fujimoto: My understanding is that it was supposed to have been... they were targeting to finalize that this past summer, but it never happened, so it is still ongoing.

Ms. Iseri-Carvalho: So which is the Kapa'a relief route just to refresh our memory.

Mr. Fujimoto: ... planning one up by the Hawaiian Homes and that there were like three (3) different areas. One was just at the foothills of the mountain, one was right about the middle and one was just beefing up the existing Kūhiō Highway. There were several different scenarios of where that road would come in.

Ms. Iseri-Carvalho: Okay, so Councilmember Yukimura, I guess the long term permanent bridge, did you participate... I am just asking in that process on the Kapa'a relief route? It appears that it is still in the planning stage that maybe we can provide some information there.

Mr. Haigh: To answer your issue on... well, what happens when it is done and making sure that we have the bikepath and it be widened. Those are conditions that could... that should be discussed during the EIS and identifying the strong community request for such and that would make it much more likely and reinforce a possibility of making sure that happens (comments to the EIS process which is now).

Ms. Yukimura: Well, my comments will be that, you know, that they should look at using \$300 million for a multi-modal system rather than one that is only accommodating cars which is, you know, the direction right now. I doubt very much that we are going to get the \$300 million from the Federal government to build it. I think anyone who says we are is really... I mean, that is far more than we get statewide in Federal funds, so... and you know the needs around the State and the Highway Fund going bust, so I think we are chasing a... you know, a pipe dream.

Ms. Iseri-Carvalho: This long term permanent bridge, it says it is being evaluated in the EIS including a crossing up river of the existing bridges as well as a crossing at the existing bridge location.

Mr. Fujimoto: The conceptual plan that I saw, it would be right at the base of those homes right in that area is where the bridge would come across which is, I believe, right by Smith's boat (maybe a little above that).

Mr. Bynum: The mauka bridge comes off the high lands right through the middle of the Smith parking lot and it is elevated there already. It goes over the river, elevates over Kuamo'o Road, over the low lands and goes into the Wailua Houselots just above the Y and that is the mauka route. It is a major, major bridge.

Ms. Yukimura: It is going to split Wailua Houselots too.

Mr. Bynum: It would go...

Mr. Fujimoto: It is actually on the bottom.

Mr. Bynum: Just below the Y.

Mr. Fujimoto: You know, as you are going to the Wailua Houselots, the first or the second...

Chair Asing: Do we need to go through this?

Mr. Bynum: I don't think so.

Ms. Iseri-Carvalho: Not right now.

Chair Asing: Why don't we stick to the issues that we presently have.

Mr. Haigh: I do have to leave in 10 minutes, so...

Ms. Iseri-Carvalho: Well, we have Donald, your boss here to give the rest of the information.

Mr. Haigh: (Inaudible).

Mr. Fujimoto: I am not as versed as he is.

Ms. Iseri-Carvalho: You are now on number 11.

Mr. Haigh: Okay, number 11, what was the cost size and date that the retaining wall that was used on Kūhiō Highway/Rice Street referred to on our May (inaudible) response was built? Please provide a photo. It was built in 1999 approximately 1,100 feet long and up to 40 feet high and the project cost was \$13 million of which the wall cost was \$7.4 million and there are photos attached. Any questions on that one?

Number 12, what is the cost of concrete versus asphalt? What was the cost saving that came as a result of using asphalt versus concrete on the path on the north end of Keālia to Kuna Bay? What kind of maintenance is required for either type of material? What is the difference in maintenance cost for each type of material? Where else is it anticipated that asphalt be used instead of concrete? From Glover: \$375,000 was offered in the 12-21-04 letter. Maintenance cost are up to the owner. He didn't want to go there, so we...

Ms. Iseri-Carvalho: I am sorry, what was \$375,000?

Mr. Haigh: That was the cost savings that we received.

Ms. Iseri-Carvalho: Okay, wait. No, let's go to the question. The question is what is the cost of concrete versus asphalt? What is the answer to that?

Mr. Haigh: The answer is, for the Kapa'a/Keālia bikepath, we saved \$375,000.

Ms. Iseri-Carvalho: That is the cost savings. The first question is, what is the cost of concrete versus asphalt?

Mr. Haigh: And that is really dependent upon your project.

Ms. Iseri-Carvalho: On this project.

Mr. Haigh: Okay, what we did is we provided you how much additional money the... it would have cost to do with concrete and there are places where we did concrete and the reason why we were able to save money doing asphalt is because of the existing conditions were such that helped save money for asphalt because the existing base was better than normal. What we did do is provide a... we did a life cycle cost that the cost based on present worth is \$319,300 and... the attached life cycle cost (inaudible) shows that if 1 ½" thick resurfacing the asphalt bikepath is required in 25 years, the cost based on present worth will be \$319,300. This assumed an installed unit price of \$500 per ton for the asphalt and 3% annual inflation/escalation rate. The State DOT has stated that their asphalt roads are resurfaced every 12 to 15 years because of vehicular wear and tear on roadways. The bikepath will have minimum vehicular traffic, hence the assumption resurfacing in 25 years. So what we are saying is, the cost of maintaining this is \$319,000 in current value and we saved \$375,000 by going to asphalt for that section.

Ms. Iseri-Carvalho: I don't think it answers the question because I think we wanted it laid out... specifically, I don't know what the length of this section was. Do you know?

Mr. Haigh: Not right off my...

Ms. Iseri-Carvalho: So we will follow up with a question that we need to get answered (change tape).

Chair Asing: What is the cost of asphalt and what is the cost for concrete? That is the question. Is it \$200 every 10 feet versus \$300 every 10 feet for concrete? I mean, that is...

Mr. Haigh: That is a simple question and we should be answer a simple question.

Ms. Iseri-Carvalho: That was the first question and that response does not answer that question, so we will do that as a question. And then the maintenance, you know, I don't... I hope you will give an updated answer. You know, you say that maintenance cost are up to the owner. Well, the owner is the County.

Mr. Haigh: What I did is... we, DPW answered that, provided that answer. Glover said that they aren't going to answer it, so then we answered it. What I did was I did a lifecycle cost. That is the best way to analyze your maintenance cost is do a lifecycle cost.

Ms. Iseri-Carvalho: For 25 years. This is how much the cost is going to be until we need to replace it? Is that what you are saying? So every year, we divide that by 25 and that is how much our maintenance cost is going to be?

Mr. Haigh: Well, it is more complicated than that, but that is a good summation of basically what you are looking at.

Ms. Iseri-Carvalho: I mean what kind of maintenance are we going to... are we going to clean it? We are not going to do anything with it? It is just the use, life usage?

Mr. Haigh: The difference in maintenance cost. Okay, so the basic maintenance is going to be the same.

Ms. Iseri-Carvalho: Well, it says, what kind of... first of all, what kind of maintenance is required for either type of material? So we would have concrete... concrete would have asphalt, if we have concrete, this is how much the price of concrete is, this is the price of asphalt. Maintenance, this is the price of maintenance. If we have concrete, this is the price of maintenance. If we have asphalt... it is a simple question. I don't think this answers it... I know it is getting close to 5:30 p.m., and you are not going to finish answering this question because you just told us that, so we will move and we will follow up and ask the same question over again Council Chair if that is okay with you. It also doesn't say, where else... it says, where else is it anticipated that asphalt will be used instead of concrete? Do you have an answer to that question?

Mr. Haigh: We are looking at the...

Ms. Iseri-Carvalho: Because it is not here, right?

Mr. Haigh: No, it is not.

Ms. Iseri-Carvalho: So we will send over the same question. All we are saying is the question is not complete, the answer to the question is not complete.

Mr. Haigh: Okay.

Ms. Iseri-Carvalho: And we will follow up with those questions with the new questions we send over.

Ms. Yukimura: But one answer is there. What was the cost savings and that is \$375,000 and I just want to confirm that.

Mr. Haigh: That is correct.

Ms. Yukimura: Okay.

Ms. Iseri-Carvalho: Okay, so we will send over the question. Go onto number 13.

Mr. Haigh: What is the physical size of Keālia Beach Park comfort station, Keālia Kai Park and comfort station, Lihi comfort station... please attach the plans and give a description of each in the amount of bathrooms, showers, etc.

Ms. Iseri-Carvalho: So this is the question that goes to value engineering and we will have more discussions on this because that is where we looked at the conceptual plans and we looked at what was actually built and saw the differences between that. So it is something that we will have further discussion on and just in the interest of your time, I'll have this the next time for you to answer.

Mr. Haigh: And then the next one was please provide the process required to follow when bones are discovered and proof of documentation that the County complied with said process including State Historic Preservation Division and/or burial input.

Ms. Iseri-Carvalho: And this is...

Mr. Haigh: We have a archaeological monitoring plan approved by State Historical Preservation Division (inaudible) followed...

Ms. Iseri-Carvalho: And that was the question. This, I believe, was brought up by Cheryl Obatake regarding this because we had learned and even from the contractors that they were new bones that were found, so she had wanted to know what had happened in that specific instance as the project was being built. What was the steps that was taken, so there was a specific reference for that.

Mr. Haigh: The (inaudible) it describes steps that we have taken and we have an archaeologist as part of the project team and he works directly with State Historic Preservation Division and does all the necessary paperwork and we will have a complete report when the project is done on all those issues.

Ms. Iseri-Carvalho: And the problem that we are having is that we are well aware about the staffing issues with respect to the State Historic Preservation Division, right? Their archaeologist don't necessarily...

Mr. Haigh: Unfortunately, we have a Kaua'i State archaeologist with years of experience who our archaeologist works very close with and she has been very helpful, so we have been getting quick response when (inaudible) forward (inaudible).

Ms. Iseri-Carvalho: And so you have... okay, so you have for the specific ones that were found recently... you know, the ones over in Keālia?

Mr. Haigh: Correct.

Ms. Iseri-Carvalho: So do you have a plan? I mean, I don't want to just see the plan attached. I know what the plan says. I wanted to know, okay, what did... on this date, we contacted such and such, they reviewed... I mean like something like that of a detailed response. There should be, right?

Mr. Haigh: Yes, and the archaeologist will be providing that to us really at the end of the project (a complete report of what occurred). We could get interim reports.

Ms. Iseri-Carvalho: Right, and that is what I think we are asking because I believe that Ms. Obatake had served on one of these boards and she...

Mr. Haigh: Burial council.

Ms. Iseri-Carvalho: And she was concerned about how the process was taking place, so to specifically that question, again, we will send over ones that have that and if you can get them in the interim, so we can provide that immediately as opposed to waiting until the end of the project. Number 15... we need to take a caption break at 5:40 p.m., so I will stop at 5:40 p.m., so if you can go to 15.

Mr. Haigh: What is the status of the rock wall study? Actually, it is the rock fall study. We should be getting that any day now. It has been approved and Federal Highway is participating in having that study done.

Ms. Iseri-Carvalho: And did we have... how much was the funding for?

Mr. Haigh: No, you did not.

Ms. Iseri-Carvalho: So we will ask that question as well. Did we obtain a legal opinion as to the responsibility?

Mr. Haigh: We had a response from the County Attorney to this question.

Ms. Iseri-Carvalho: Okay, and...

Mr. Haigh: Probably not providing a...

Ms. Iseri-Carvalho: Exhibit 3 and 15. Again, it is real hard to find these things, the exhibit numbers, so in the interest of time, Doug, we will do this question at a subsequent time and with the exhibits, if you could number your exhibits and then provide them to us, so it is easy for the Council to follow.

Ms. Yukimura: You have to tab them.

Ms. Iseri-Carvalho: Yes. I would prefer tab, but I can't impose my standards on everybody else. I know Councilmember Furfaro is okay with page numbers, but at the very minimum, page numbers. What we will do here... these are questions that I know is of interest to Councilmember... Public Works Chair Rapozo, so what I will do is stop here in light of the fact that you need to leave and we are almost needing a caption break anyway, so we will move on to another topic and we will continue with the additional questions and the ones that we have here. So we will incorporate these ones in the new packet, so we only need to look at one packet as you are providing us the answers.

Ms. Yukimura: Can I just say something here?

Ms. Iseri-Carvalho: Yes. Councilmember Yukimura?

Ms. Yukimura: Thank you. I am just looking at your number 15 question and you say, see attached exhibits 3 and 15, but I don't see a 15.

Mr. Haigh: It is 3 and 15 which is combined.

Ms. Yukimura: Oh, they are altogether?

Mr. Haigh: Item 3 and 15 comes after item number 2.

Ms. Yukimura: Oh, okay. I was looking for it between 17 and...

Ms. Iseri-Carvalho: And here, again, I think what is requested... when I look at the County Attorney's report, basically, there is... your June 12, 2007 transmittal requested that this office respond to items 3 and 15. Be advised that this office is unable to respond to the request as the request requires responses relating to specific agency knowledge and it would be based on facts and circumstances that you need to provide. So you need to provide additional information in order for the County Attorney to respond to that question, so it really

hasn't been answered. I think it has to do with who actually owns the property, what kind of agreement you have in place, etc.

Mr. Haigh: (Inaudible)... it is so hard to try to follow up... we know statement and fact and these issues that they are asking for and that is where... you know, you ask these questions and it gets to be a very complicated process to get the answers to these circumstantial type questions.

Ms. Iseri-Carvalho: I don't think it is circumstantial.

Mr. Haigh: Circumstantial might not be the right word, but there is a word out there that I can't think of right now. If the County Attorney can't answer the question from the question, it makes it really hard on Public Works to try to figure out what we need to give the County Attorney to answer the question.

Ms. Iseri-Carvalho: Well, I think it is very simple. You need to have communication with the County Attorney and not just in writing. I mean, have you taken the opportunity to go in and talk to and say, well, these are the circumstances because you apparently was able to get an opinion all by yourself about who was responsible on the contract as to who paid for the roofs. This is kind of the same question. All this question is asking is for the responsibility of who should pay for the study given the fact that it is Keālia Kai's property that is deter... it is the same thing. What kind of agreement do you have currently when the park was dedicated to the County? Who is responsible at this point in the interim? Has it already been dedicated? I don't think it is difficult at all, but you need to have...

Mr. Haigh: I will defer to the County Attorney to answer that because it is beyond my expertise to be able to (inaudible) what it takes to answer that kind of question.

Ms. Iseri-Carvalho: And that is something that you guys needs to discuss. You need to give him the facts of what the current conditions are that this property is on Keālia Kai. The property that is (inaudible) is on Keālia Kai's property that you have an agreement. The agreement does not cover... I don't know if these are the circumstances, but, clearly as an attorney, this is what I would need and if you just called Harrison, I am sure he can tell you. All I need is this, this, this, this, but I think the question was because you asked for your response... you sent over on June 12 and before June 22 and given the timeframe and the lack of information in order to answer that question, that was why we had this response on June 22, but I would think that... I have spoken with Harrison many times about the housing issues and he is able to discuss them very thoroughly.

Mr. Haigh: It would be very effective if we had a meeting with Harrison ourselves and you and went over these questions.

Ms. Iseri-Carvalho: That would be fine.

Mr. Haigh: That might be the most effective way to get (inaudible).

Ms. Iseri-Carvalho: And that can be arranged. That is not a problem at all.

Mr. Haigh: Okay, I will work on that.

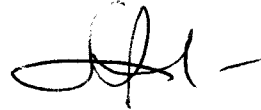
Ms. Iseri-Carvalho: But, yes, and then the rest of the questions we will incorporate, Doug, and send that over and it will be back in two (2) weeks or maybe even less because I think we have a conference, so maybe on the Tuesday instead of the Wednesday. Thank you very much. We will take a caption break Donald unless you had some further closing comments. Thank you Donald. Great job Donald. We are finish with the agenda... am I finish with my stuff. We are just waiting for... let me just take a motion to defer first.

The meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Bynum, and unanimously carried, PW 2007-3 was deferred.


There being no further business, the meeting was adjourned at 5:39 p.m.

Respectfully submitted,



Lisa Ishibashi  
Council Services Assistant

APPROVED at the Committee Meeting held on October 10, 2007:



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MEL RAPOZO  
Chair, Public Works Committee

