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Light Rail Plan Threatened with Legal Action

Kansas City Business Journal, January 30, 2007

KANSAS CITY – Light-rail activists are threatening to sue Kansas City officials if they significantly change or delay the plan approved by voters in November. Lawyer Valerie Chastain, wife of light rail activist Clay Chastain, is representing her husband and the committee of petitioners for the voter-approved light rail initiative.

Clay Chastain said the city's new mayor and new City Council would face legal action if any of the following conditions occurred: The new mayor does not take action on the initiative, the new City Council votes not to take action on the plan or to significantly change the plan, or the new Council tries to retract the initiative through the city charter.

The City Council heard reports from transportation experts on January 18, who said the voter-approved plan must be significantly revised in order to be legally and legislatively plausible. Assistant City Attorney Bill Geary said in a release that the council "is taking a rational and methodical approach to deal with the light-rail issue, in order to respect the will of the voters to provide light rail." In response to the possible forthcoming litigation, Geary said, "The threat of a lawsuit does not impact the need for a revised plan."

Possible Honolulu to Kapolei Toll Road in the Works

Honolulu Advertiser, January 30, 2007

HONOLULU - Preliminary discussions have begun between Hawaii state officials and private developers to help finance, construct, and operate a \$700 million toll road from Kapolei to Honolulu along the H-1 Freeway, transportation officials reported Monday. The project, which would also include a new, double-decker Nimitz Highway, would be in addition to the city's proposed light rail system, which would follow another route.

Possible plans for the toll lanes could convert the existing "Zipper" and HOT lanes on the H-1

Freeway to reversible managed lanes with variable tolls for vehicles, said Brennon Morioka, state deputy transportation director for highways. "We're very serious about moving forward with such partnerships," he said.

The state has participated in discussions with nearly a dozen possible investment companies to determine financial interest in such a project in Hawaii, said Morioka. Meanwhile, on Monday, the state House Transportation Committee suspended action on three bills regarding public-private partnerships, which they plan to combine into one bill for another public hearing this week.



If you've ever driven from Kapolei to Honolulu in the morning you would be willing to pay a pretty hefty toll to improve the experience. All the growth is to the west with Kapolei being referred to as the new downtown. TW

Ahwatukee Group Fights Freeway Plans

East Valley Tribune, January 28, 2007

Arizona - A grass-roots organization fighting the planned South Mountain Freeway leg of Loop 202 in the Ahwatukee Foothills encouraged hundreds of residents to donate time and money to their cause. Protecting Arizona's Resources and Children urged attendees to volunteer and give money for an anticipated litigation against the freeway, which would run along the community's southern border.

Group founder and president Melanie Pai requested \$100 per person, or \$250 per family to help pay for the group's attorney, environmental experts and other fees associated with the fight against the freeway's planned route. She referenced a recent University of Southern California study which found children raised near busy interstates had respiratory problems later in life, associated with impaired lung development. "As the mother of an asthmatic child...this is a serious matter," Pai said.

Pai also contended that the planned freeway has been plugged by transportation leaders as a detour around downtown Phoenix for international trucking, which means unregulated diesel emissions could be emitted by Mexican trucks near their homes and schools.

The group's attorney, Howard Shanker, said their best chance to fight the freeway is by challenging it on environmental grounds in a federal court. This can't be done until an environmental impact study by ADOT is submitted to the public for review. Shanker said successful environmental lawsuits are often won on appeal and last several years.

The interesting thing about this particular corridor is that it has been on the maps for over 20 years...long before any of these people moved to Ahwatukee. To say they had no knowledge of the possibility of a freeway south of their homes is disingenuous. ADOT's maps have gotten wide distribution over the years. I'm sure this won't be the last time we report on it in the Tom Warne Report. TW

Report says Taxes Should Finance State's Road Repairs

The Examiner, San Francisco, January 27, 2007

SAN FRANCISCO – Mileage fees, doubling the gas tax, or charging fees on alternative fuel vehicles are several of the numerous options recommended by the state of California to generate the billions of dollars needed to fix the state's deteriorating roads. Legislators received the

recommendations in a state Legislative Analyst's Office report last Friday, just 3 months after voters approved \$35 billion in bonds in the next decade for transportation improvements across the state.

Experts say the approximately \$7.4 billion the Bay Area will receive from propositions 1A and 1B will not be enough to reverse the decades worth of neglect and damage the roads have suffered.

Gabriel Metcalf, executive director of the San Francisco Planning and Research Association agrees with raising the state's 18-cent-per-gallon gas tax, but warned against levying tariffs on alternative fuel vehicles, such as hybrids. "In general, you want to reduce taxes on the things you want more of and increase taxes on the things you want less of," Metcalf said.

The Metropolitan Transportation Commission is pushing for what could be the first regional tax in the state. MTC spokesman John Goodwin said that if the measure passes, as much as 10 cents could be added to the 18-cent tax already in place. The revenue from such a tax would go exclusively to roads, and would need voter approval, most likely in 2008, Goodwin said.

Kentucky Earns Green Light from Nat'l Safety Group

News Democrat & Leader, January 30, 2007

Kentucky - Kentucky received the highest ranking in the nation from Advocates for Highway and Auto Safety, a national highway safety advocacy group. Kentucky was named as one of only four "Best Performance States" and one of 16 states to receive a "green light." The top-performing state's ranking is based on its passing at least two additional highway safety laws in 2006. "Green" is the highest of the Advocates' three ratings regarding the state's adoption of optimal safety laws.

2006 was a milestone year for Kentucky for highway safety legislation. The Highway Safety Legislative package yielded the passage of the primary seatbelt law, as well as House Bill 90, an expansion of Kentucky's Graduated Driver's License Program. The program instituted a six month probationary period between a learner's permit and a regular, unrestricted license, which officials hope will reduce Kentucky's teen crash rate, which has previously been one of the highest in the nation. The state's House Bill 272, Kentucky's "Quick Clearance" measure became law in 2006 as well, which addresses motorist safety issues and details incident management policies for quickly clearing the scene of an accident blocking an interstate or parkway.

"While we lost 79 fewer lives on the roadways of this Commonwealth last year, compared to 2005, we are striving for much lower fatality rates in 2007," said Commissioner of Transportation Safety, Tim Hazlette. "We will leave no stone unturned in our effort to find ways to save more lives."

Advocates for Highway and Auto Safety is an association of consumer, insurance, safety, health, and law enforcement agencies working together to advance state and national highway and safety policies, and is based out of Washington, D.C. The full "Roadmap to State Highway Safety Laws" report can be found at: www.saferoads.org

Localities Need Authority to Manage Growth

Richmond Times-Dispatch, January 28, 2007

Virginia - Local government officials and members of the General Assembly have recently been

debating an important topic regarding management of developments without clogging roads: Should localities be allowed to reject new development plans if the transportation systems cannot handle the traffic?

State lawmakers are realizing that in their effort to manage Virginia's growth, they must determine who is authorized to slow development, as some local leaders have ended up in court after trying to stop rezoning.

"If we are ever going to tackle our transportation problems in the long run, we need to get local communities the tools they need to better manage growth and development," said Sen. Mark R. Herring, D-Loudoun, sponsor of one of multiple propositions to give localities the authority to deny development due to inadequate roads.

Existing state law says a county can deny rezoning if it has an undesirable effect on health, public safety or welfare, or if it doesn't account for its affect on capital facilities. The proposed legislation would allow rezoning to be denied based on transportation concerns alone.



This will be interesting to watch as it pits private property rights against a government's right to restrict development. In some cases, private property owners have claimed "inverse condemnation" and have prevailed against cities that have moved to prevent development of their property. The last word on this won't be spoken in the Virginia legislature...but somewhere in their court system. TW

Council Considers Ways to Reduce City Traffic

Metro New York, January 26, 2007

NEW YORK – City Council members in New York City are urging the Department of Transportation to take action to reduce traffic and promote the use of public transportation, walking, and bicycling to prepare for the arrival of nearly 1 million more residents by 2030. However, DOT commissioner Iris Weinshall reported at the Council's transportation committee hearing yesterday that the amount of traffic in the central business district has just recently reached pre-9/11 levels.

In response to the City Council, Weinshall presented a different take on the traffic congestion: "It is an indication of the vitality and growth of the city of New York," she said. "We would not characterize it as a crisis. We would characterize it as challenge." Weinshall also noted that the perception of more traffic may be because cars and SUV's are getting bigger, and even though more people are driving, more are also taking mass transportation.

Transit advocates are concerned about the DOT's Manhattan focus, saying they are ignoring the citywide problems. John Li, D-Queens, Transportation Committee Chair, questioned the council as to whether it should be the DOT's responsibility to reduce emissions.

Weinshall said she hopes now that the DOT and MTA are partners in the Bus Rapid Transit program, the MTA would change its policy about not sharing data with the city DOT. Brooklyn's BRT demonstration leg was unveiled last Thursday, which will expand BRT service to the Bronx, Manhattan, Queens, and Staten Island, and will begin service by the end of this year.

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