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Opposition to Bill 15

2017 MAY -8 AM 11:59

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A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

Aloha Chair and City Council Members

Bill 15 appears to mistakenly assume that only Rail Transit Oriented Development offers the opportunity to provide affordable homes to people living within a Rail TOD.

The Oahu General Plan 2035, comments ending May 8, 2017 is currently proposing to make nearly all of Oahu a huge Transit Oriented Development, hotel, B&B, condo high-rise, rail or not rail, including bus stops. It's all about developing every square inch and jacking up land prices all over Oahu. Rail is just the excuse that now requires everyone to be in a TOD.

All over the world other cities are basing their TOD's around Bus Rapid Transit, so there is no logical reasons to assume only Rail TOD can offer affordable housing.

In fact, the entire multi-decade concepts of rail, rail ridership, TOD's is being totally upended by the biggest tsunami and earthquake of our lifetimes- the self-driving electric vehicle, powered by solar energy. The vehicles are computers and cellphones on wheels and are the biggest transportation trend imaginable connected with the internet, artificial intelligence real time data allowing commuters to watch TV or sleep as the vehicles form up like schools of fish creating instant hot lanes and reacting to traffic situations miles away. This will transform EVERYTHING.

**Gov Ige Sold On Smart Electric Vehicles - Invited Google To Make
Hawaii A Testing Base, Provide Jobs**

MISC. COM. 2573

PH

The Governor Ige went to California to visit Google and is sold on Smart Electric Vehicles for Hawaii's future- as is everyone else with any brains to see where everything is headed by 2020. Tesla stock skyrocketing. Everyone worldwide in the vehicle manufacturing business is introducing Smart Electric Vehicles. It's now the 21st Century, not 19th Century.

Hawaii looks to take the lead in race toward driverless cars

<http://khon2.com/2017/05/03/hawaii-looks-to-take-the-lead-in-race-toward-driverless-cars/>

Google has never given a formal deadline, but has suggested it's working on having the technology ready by 2020.

Toyota is looking to have a driverless car ready to go by 2020.

Volvo is aiming to make its cars "death proof" by 2020

Nissan and Honda are committed to have a commercially viable autonomous car on the roads by 2020.

Daimler, the maker of the Mercedes-Benz, is aiming to have its driverless trucks ready by 2020.

PSA Groupe, the second largest car manufacturer in Europe, is aiming to have fully driverless cars ready by 2020.

Nothing Honolulu government is doing now is prepared for THIS:

Clean Disruption - Why Energy & Transportation will be Transformed by 2030

<https://www.youtube.com/watch?v=Kxryv2XrnqM>

In fact rail's wheels are currently falling off because it is a ridiculously badly managed historic financial fiasco based upon Mayor Caldwell's political ambitions and campaign contributions. *All indications by 2015 that it was wildly over budget when the FTA refused to provide any further FFGA funds and placed the City in technical breach of contract.*

HART Rail will NOT be "Green" as claimed – it will be oil based power

One of the biggest issues the rail hasn't come to grips with is the massive traction power requirements of heavy elevated rail running 24/7, 20 hours a week. *It can't be done using solar or wind power.* Alternative "palm oil" substitutes are 30 times more expensive than regular oil which is at near

rock bottom prices and falling because the entire transportation industry model is leaving oil behind. HART Rail will require imported OIL.

Rail TOD guestimates are unrealistic, unsustainable, inaccurate

Why are the Hawaii State legislature and Oahu tax-payers somehow forced to pay for this huge mismanaged bungle when there are so many better and cheaper alternatives than \$500 million a mile rail taking 2% or less of the traffic off H-1. The totally bogus ridership numbers were just made up 20 years ago by Parsons Brinkerhoff who also engineered the huge elevated rail fiasco in Puerto Rico. *Rail "ridership" are made up numbers.*

Rail Transit Oriented Development in Oahu south shore disaster areas

All of the Rail Transit Oriented Development of the final Oahu south shore segment are suckering land developers and businesses into a well identified disaster area, as shown in FEMA, NOAA, UH-SOEST and City DEM maps. Obviously the City Council doesn't care that they and the City DPP are conning foreign land developers into a science predicted disaster area. It will result in massive lawsuits after the disaster happens – but off course these will all be paid by the Oahu tax-payers.

So why should this misfeasance and malfeasance even matter to the City Council? Obviously they have shown they don't care how many billions in infrastructure will be lost and how many innocent victims may die.

Malaysia Has Electric Buses Running On Elevated Fixed Guideways

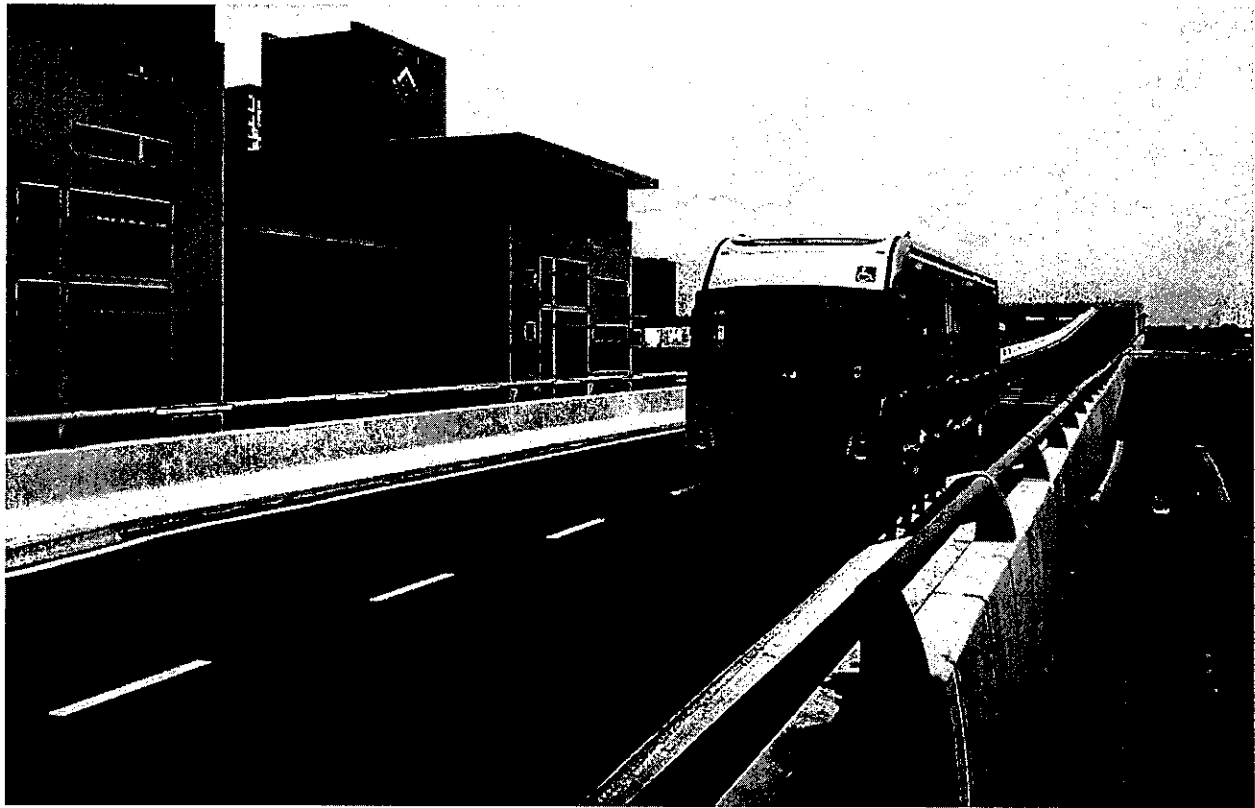
Malaysia Shows Honolulu Rail Guideways can be converted to Electric Bus Guideways

An Electric bus BRT system is far more versatile and part of the rapidly expanding 21st Century

Smart Electric Vehicle Era. Cities throughout the world are looking at electric buses as the best overall investment because they can be run anywhere, unlike fixed rail, and solar powered. HART Rail will require enormous electric power infrastructure and a massive power bill on top of annual Operations and Maintenance costs.

Malaysian elevated Bus Guideways also used for annual marathon event

<https://www.youtube.com/watch?v=qq2zycGFH5o>



The Malaysian Sunway BRT system has received a Bronze rating by BRT Standard score from Institute for Transportation and Development Policy (ITDP)

RAIL is 19th Century, Smart Electric Buses Are 21st Century

After 2020, all new bus purchases will be electric

Across the US West Coast region, the effort to electrify buses has hit the fast lane. Long Beach Transit shows off their new line of battery-electric buses which are lighter, quieter, and more eco-friendly.

<http://www.presstelegram.com/general-news/20170330/long-beach-among-cities-tapping-into-electric-bus-trend>

In a recent interview, Long Beach Transit Chief Executive Kenneth McDonald said he wants to have an entirely clean fleet by 2020.

Tesla's former finance director, Ryan Popple, 39, made it a personal crusade to revamp Proterra, focusing it on building electric buses. Sales more than doubled from 2015 to 2016, with expectations of revenues tripling in 2017, Popple said.

Popple predicts that by 2025, every transit agency in the United States and many in Europe and Asia will convert to all-electric buses. France, England, India and China are already doing so, with China at nearly 50 percent electric today.

"Our country has an uncertain future if we don't transition well to this next technology," Popple said. *"If we don't master this technology we will import this technology."*

The next month or so could determine the future of electric buses in Southern California. That's because many of these companies are competing for a huge contract from the Los Angeles County Metropolitan Transportation Authority to buy electric buses.

King County Metro in Seattle released a report last week saying it can run a 100 percent electric bus fleet by 2034 for only minimal cost increases. With 1,400 buses on the roads — many of them electric trolley buses — it is the second-largest transit agency on the West Coast. The agency announced it will buy 120 battery-electric buses by 2020 with the first 72 from Proterra.

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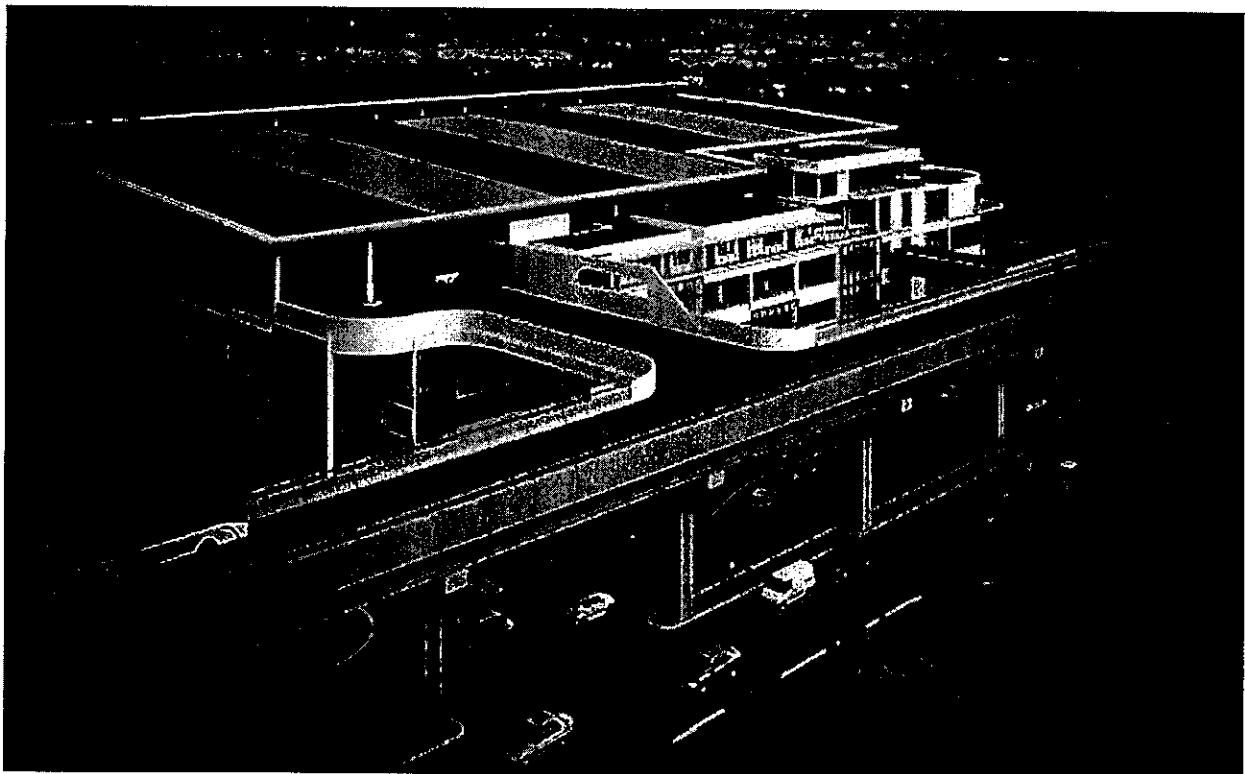
China, Europe drive shift to electric cars as U.S. lags

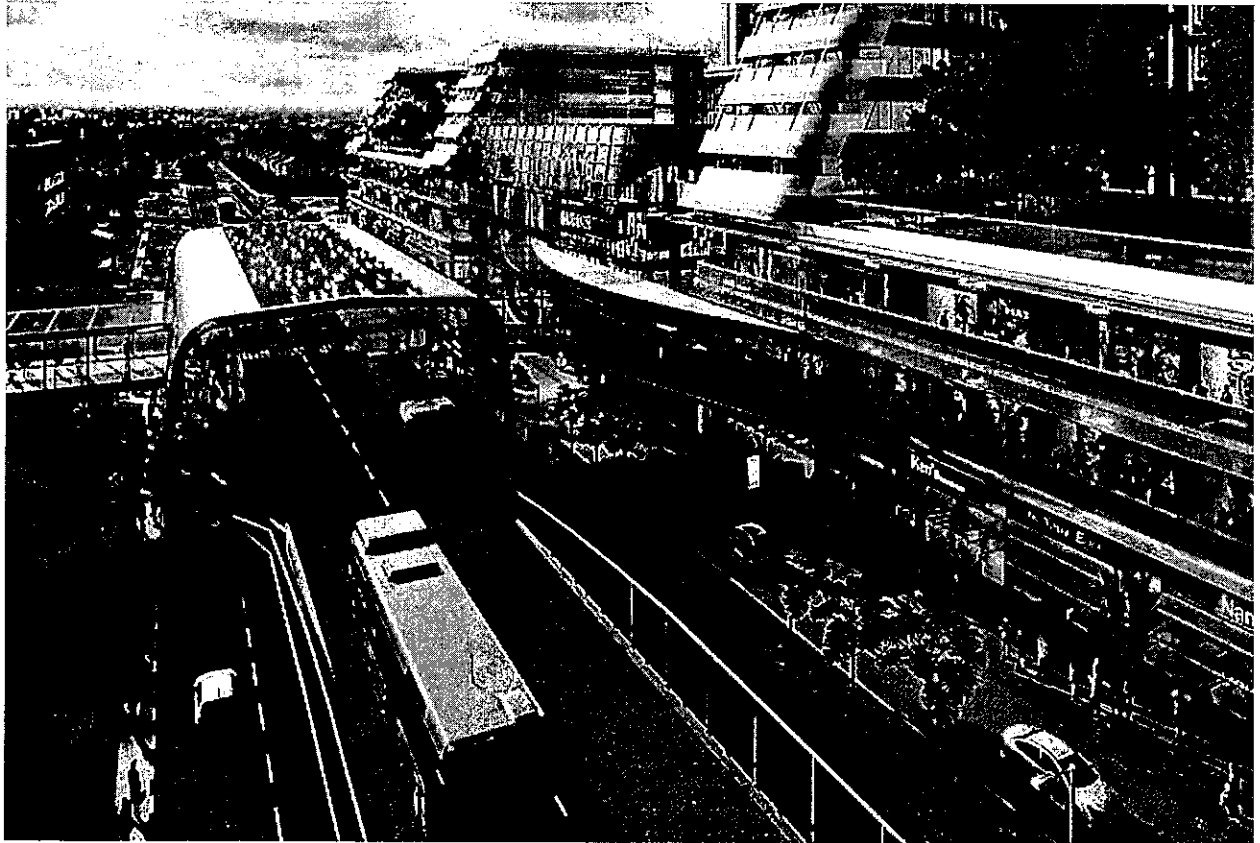
<http://www.reuters.com/article/us-usa-autoshow-electrics-analysis-idUSKBN14Z0KW>

<https://cleantechnica.com/2017/04/26/oil-giant-total-sees-electric-cars-cutting-oil-demand-soon/>

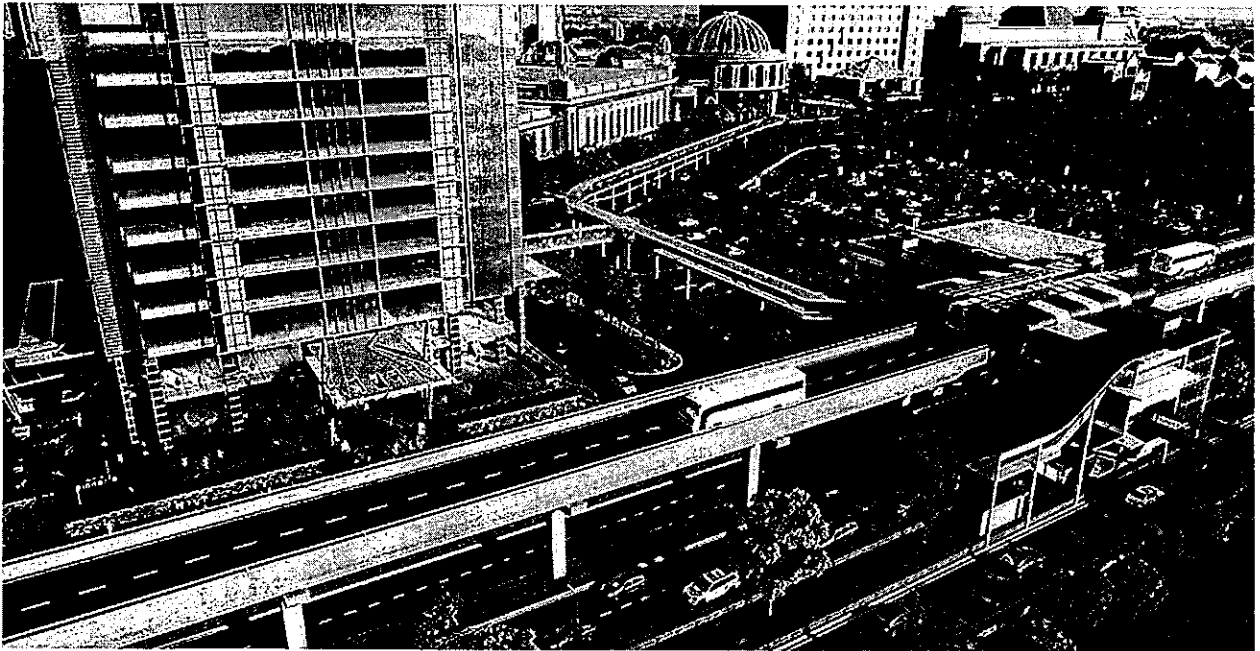
<https://www.bloomberg.com/news/articles/2017-04-25/electric-car-boom-seen-triggering-peak-oil-demand-in-2030s>

Smart Electric Buses Are The Transit Future.





Smart Electric Buses Are The Transit Future.



Rail Will Be Of No Use In A Major Emergency

Rail won't help when emergency services are needed. A bus way lane allows emergency vehicles like ambulances, fire trucks, and police to use it unimpeded during rush hour and provide lifesaving access that rail cannot and never will. *In fact electrically powered rail is highly vulnerable to storm power loss and will be one of the very first transportation systems shut down during a major hurricane or tsunami.* Once rail station access points are flooded and rail platforms are hit by high winds they will be evacuated and useless. *Buses are far more flexible in natural emergencies and will continue to operate evacuating thousands of people mauka.*

Rail TOD Areas using EB-5 Green Card SCAM

According to the recent Civil Beat article By Stewart Yerton, May 5, 2017, the developer Jay Fang is using a federal cash-for-green card investment EB-5 program designed for economically distressed areas to finance a condominium project near Ala Moana Center.

At a time when Hawaii is facing a housing shortage, it does not make sense to support a transit-oriented development project that would be aimed at people from outside of Hawaii. Jay Fang told council members that he did not plan to use union labor to build the tower and said 60 units have been sold to people in China. At least he was being honest!

Developer Fang has made at least one very smart decision- his project is generally outside of the projected ocean run up of a major Pacific tsunami that is long overdue, as well as a major Pacific hurricane storm surge and projected Sea Level Rise. The City Council plays dumb about these scientific facts. The HART Rail totally lied about this in the Final EIS.

Maybe condo developer Jay Fang should know however, that when the big disaster event happens as predicted, his tenants and investors will not have electric power, running water and will not be able to flush their toilets because the Sand Island Waste Water Treatment Plant will be destroyed and have to be rebuilt someplace away from the Oahu shoreline. ***But why should the City Council care? It's just tax payer money.*** Obviously no fiduciary responsibility by the Honolulu City Council.

Project developer Jay Fang makes the interesting comment in testimony letter: [http://www4.honolulu.gov/docushare/dsweb/Get/Document-193835/M-2516\(17\).PDF](http://www4.honolulu.gov/docushare/dsweb/Get/Document-193835/M-2516(17).PDF)

"We are willing to complete the Light Rail Project at a price representing 50% of the construction engineering price of the trade union and have it access to ALA MOANA within three years in the future if anyone thinks our calculation is wrong. Moreover, our company will be responsible for the control over the cost of construction engineering of the Light Rail Project and the management of its schedule for free."

Mr. Fang isn't the only one using the EB-5 Green Card SCAM. Making headlines currently is Kushner family cashing in on the EB-5 program.

https://www.washingtonpost.com/amphhtml/world/in-a-beijing-ballroom-kushner-family-flogs-500000-investor-visa-to-wealthy-chinese/2017/05/06/cf711e53-eb49-4f9a-8dea-3cd836fcf287_story.html

Among the wealthy elites in China, family, business and politics are all deeply intertwined. Every branch of the Communist Party, every province and city often operate as a fiefdom for those in power, allowing leaders special, lucrative access to policy, land and government contracts. There is even a name for second-generation sons and daughters of wealthy business executives and government officials — *such as Ivanka Trump and Jared Kushner* — *who have access to power through family ties. They are called "fuerdai."*

"It's incredibly stupid and highly inappropriate," said Richard Painter, the former chief White House ethics lawyer in President George W. Bush's administration, who has become a vocal critic of the Trump administration.

"They clearly imply that the Kushners are going to make sure you get your visa. . . . They're [Chinese applicants] not going to take a chance. Of course they're going to want to invest."

Reporters barred from China event seeking investment in Kushner project

<http://www.reuters.com/article/us-china-kushner-idUSKBN1830E7?il=0>

The developers are seeking to raise \$150 million, or 15.4 percent of funding for the project, from investors through the EB-5 visa program,

according to marketing materials posted by the event's organizer, immigration agency Qiaowai.

The controversial EB-5 program allows wealthy foreigners to, in effect, buy U.S. immigration visas for themselves and families by investing at least \$500,000 in certain development projects.

Kushner family pitches wealthy Chinese on 'investor visas'

<http://thehill.com/homenews/administration/332196-kushner-family-pitches-wealthy-chinese-on-investor-visas>

Representatives from the Kushner family business are encouraging wealthy Chinese citizens to "invest \$500,000 and immigrate to the United States."

The program has been extremely popular among rich Chinese, who call it the "golden visa" and are eager to get their families — and their wealth — out of the country. The fact that some use it to move their money out illegally, however, has made the program unpopular with the Chinese authorities.

The program was launched with the goal of securing investment and creating jobs. But instead, in recent years, many real estate developers have ***used the program as a source of cheap financing by using foreign investors, especially from China, for flashy projects in Manhattan and other city centers.***

A Government Accountability Office report in 2015 found the EB-5 program carried a high risk of fraud, was rife with counterfeit documentation and had "no reliable method to verify the source of the funds of petitioners."

A fine bit of gerrymandering

<http://www.ilind.net/2017/05/06/a-fine-bit-of-gerrymandering/>

ILind: ...But, it seems, DBEDT took it as a challenge. How they could take a proposed project in an area with extremely low unemployment, and in a city with unemployment well under 3%, and make it appear to to be in an area with an unemployment rate of at least 150 percent of the U.S. national

average, thereby qualifying for the especially lucrative benefits of the EB-5 program?

Those tricky folks at DBEDT finally found a way to make it come out right!

They carved out that strange, lizard-shaped district encompassing the large, high unemployment districts on the west side of the island, and sweeping down to small, affluent census tracts over by Ala Moana, where developer Fang hopes to build his project. Average out the unemployment rates across those diverse census tracts, and DBEDT could certify the newly created district as a "Targeted Employment Area for the purposes of the EB-5 program."

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Nearly everyone now sees that this has been a Rail Mafia scheme to benefit big land developers and not the Oahu tax payers. Why does the City Council pretend to be so stupid to not recognized facts and reality?

Chinese Communist Party Beneficiary of HART Rail TOD SCAM

Chinese Communist Party land investment in West Oahu expects to use Rail land development as a sales tool to sell subdivisions, condos, resort development. Oahu tax-payers are paying for these profits. US federal FTA commuter rail money used to fund the land development. It's a HUGE TOD

SCAM and will drive out lower income residents and native Hawaiians from their Leeward Oahu homes. Why should the Honolulu City Council care?

Buyers: China Oceanwide Holdings Group founded in 1985 by Lu Zhiqiang, legal representative, Communist Party secretary, and chairman, member of the standing committee of the 12th Chinese People's Political Consultative Conference, vice president of the China Non-governmental Chamber of Commerce, deputy chairman of the Oceanwide Foundation, deputy chairman of the China Minsheng Banking. etc.

This is EXACTLY what is happening at Hoopili - The Caldwell Rail TOD scheme is building a tax-payer funded rail station on empty farmland for DR Horton Hoopili to sell a California suburban real estate project over a 20 year period. The sacred Rail budget even includes expensive artwork already purchased for three rail stations next to each other on currently empty but highly valuable Ewa farmland. The Hoopili EIS even says only a few hundred will even use the station!

Used mostly as a visual "amenity" to sell real estate for DR Horton, like a swimming pool or entrance way fountain, the rail station is to appear in their sales brochures and videos - all paid by US and Oahu tax-payers!

POLLS RUNNING AGAINST RAIL – PUBLIC ANGRY ABOUT RAIL

Hawaiians, Filipinos and those in the youngest age group ALL are the MOST OPPOSED to ANY rail tax increase according to the Honolulu Advertiser poll. West Oahu residents see their City Council becoming bought off stooges for HART rail profiteers and their black hole money pit.

Ewa Leeward where rail has already been constructed and where rail is supposed to "benefit" them has come out the most AGAINST any rail tax increase (78% against.) This clearly shows the endless rail lies are no longer working and clearly makes the case that Ewa Leeward needs a City Council in touch with the community and not big Rail Mafia cash.

As an ethnic group Filipinos as the largest group against the rail tax- 72%. They are also the highest percentage - 33% saying "stop construction immediately." Rail construction has largely destroyed the once beautiful historic community of Waipahu.

But why should the Honolulu City Council even care?

Inside the world of China's ultra rich

<http://www.aljazeera.com/indepth/features/2016/06/world-china-ultra-rich-160609063312819.html>

Chinese Scions' Song: My Daddy's Rich and My Lamborghini's Good-Looking

https://www.nytimes.com/2016/04/13/world/americas/canada-vancouver-chinese-immigrant-wealth.html?_r=0

Many residents say the flood of Chinese capital has caused an affordable housing crisis. Vancouver is the most expensive city in Canada to buy a home, according to a 2016 survey by the consulting firm Demographia.

<http://www.nbcnews.com/news/asian-america/vancouver-house-prices-rise-does-animosity-against-chinese-buyers-n581116>

Honolulu is seeing the same trend and the City and State beaches and parks will be overwhelmed - as if they aren't already.

Race and real estate: how hot Chinese money is making Vancouver unlivable

<https://www.theguardian.com/cities/2016/jul/07/vancouver-chinese-city-racism-meets-real-estate-british-columbia>

A single family house in Vancouver increased an incredible 30%, to an average of \$1.4m. It's just the latest, dramatic jump in an already dramatic long-term trend that has turned the beautiful Canadian city into one of the world's least affordable. It's happening all around Oahu right now.

But why should the Honolulu City Council even care?

Projected Rail Ridership Numbers Are Clearly FALSE

Rail officials projected that rail fares would cover approximately a third of operating costs, but that's extremely optimistic. They predicted 116,000 daily riders in 2030, which works out to about 5,800 riders per mile. That's more than the number of riders per mile carried by the Chicago Transit Authority, Atlanta's MARTA, or the San Francisco BART system—and

considerably more than carried by heavy-rail lines in Baltimore, Cleveland, and Miami.

No TOD without Rail – False

Honolulu has one of the best used bus systems in the country, and the extremely high costs of the rail will lead to cannibalization of that bus system. The best thing Honolulu can do is stop spending money on the endless back hole rail project and go back to running an excellent bus system with Bus Rapid Transit Transit Oriented Development. (BRT-TOD)

Included in the Mayor's testimony on SB1276: "Rail is the 'Transit' in Transit-Oriented Development. There is no TOD without rail and we need TOD to provide workforce housing." This is totally untrue as most cities in the world which build TOD's around Bus Rapid Transit (BRT) or with at grade light rail trams. Any place with a bus stop or central bus transfer point is basically a Transit Oriented Development. Nothing prevents work force housing NOW without RAIL TOD and it could be done easily with BRT TOD's using buses or trams. Actually Caldwell really wants TOD real estate deals to reward his campaign contributors and could really care less how long rail takes. Jacobs Engineering says in the PMOC that it will likely be 2026-27 if ever.

Rushed Rail Construction Will Cost Huge Future Maintenance Fees

Bad, rushed rail construction pushed by the City to create a sense that "we can't stop now" caused widespread poor contractor work on the WOFH (West Oahu) columns and railway supports. WOFH contractor Kiewit later agreed to replace the critical railway support "cost saving" plastic shims – with more plastic shims which substitute for reliable and durable concrete plinths. *This means that in five years and before the railway actually goes into service the plastic shims will be going bad and will need to be replaced AGAIN. The use of plastic was a cost saving PR scheme at the time to sound good, but rail should have used concrete plinths for permanent durability. Just another big expensive O&M cost coming up later before rail even officially runs- in 2025-27 ?*

There will someday be a major rail disaster because of using plastic shims to keep elevated rail cars from toppling over the guideway after a derailment. PLASTIC is no way to run a railroad that runs night and day.

HART has already approved \$265 million in change orders to Kiewit/Kobayashi for the first 10 miles of guideway so taxpayers are already paying for it with much more change orders to come based on low ball bids. HART will have a future bad accident as a result and this will give Honolulu rail a badly constructed unreliable reputation.

Buses and cars will be far preferable than rail, now and in the future

HART Rail is basically obsolete technology, circa 1890, while far more efficient, practical and convenient autonomous cars and buses are coming very soon, with rides arranged through smart phone apps. All the smart investment money is going there – Google, Apple, Ford, GM, Chrysler, Uber, Lyft, etc. Cities are switching to less expensive electric buses which can be charged for 150 miles using solar power. HART Rail will require continuous high demand electrical traction power supplies that will skyrocket in cost, especially in warmer weather.

Commuting on TheBus from Ewa Beach to downtown can typically take 50 minutes NOW. Taking a bus to a rail station and then a bus again and repeating that twice a day will be more expensive, exhausting and time consuming. This is why the vast majority of commuters on Oahu, who don't live like people in New York, will look to any and all other transit systems that don't require this insanity. Destroying the best bus system in America and forcing bus riders onto trains will only make everyone angry at how really stupid and fraudulent the whole rail concept is (Rail isn't even ready and everyone is already coming to that conclusion.)

Rail requires too many bus-rail transfers for acceptable travel times- currently local City bus service is faster and better that rail will ever be. Low income riders pay much more each way in lost time at home as well as through the regressive taxation stealing every dime they make to survive. *HART Rail is a cruel social injustice and making it forever is totally mean and vicious. That's because Operations and Maintenance IS FOREVER.*

Also huge FOREVER electric bills while Smart Electric vehicles will be running on solar power.

Rail will take nearly 10-15 years to become operational because of many, many bad planning, funding and design issues. The public was lied to. The existing financial "plan" is a disaster, getting worse with future higher O&M

costs. The new rail cars are already found to be defective and need replacement while the cracking guideway is also badly defective, a dangerous accident waiting to happen with plastic shims needing replacement in just 5 to 10 years.

Meanwhile Honolulu Oahu has potholed roads which are not being repaired, water mains and sewer lines that break almost daily flooding streets and beaches with mud and sewage, badly maintained park facilities and a constantly failing City zoo. The City has a very bad Operations and Maintenance record. No one believes rail will be any different or any better.

21st Technology Rapidly Passing 19th Century HART Rail Scheme

Rail will cost more in environmental impacts than cars on H-1. The fossil and non-renewable fuels to generate rail electric power is far more polluting because it will require non-renewable oil and gas. Solar power can be stored and charge electric cars and buses overnight to run 150 miles all day while rail cannot use solar power because of the huge amount of constant traction power required on the massive night and day operations needed by rail cars, energized guideway, platforms and support facilities that are NOT REQUIRED by electrically powered cars and buses running on roadways.

Rail Job Creation - Another Con Job

The public was promised "thousands" of rail jobs- "Each year during construction, the rail transit project will help generate an average of 10,000 jobs. " (In fact, that's still listed on HART's website, <http://honolulutransit.org/inform/rail-facts?tag=Jobs>.) As of June 2016, there were less than 2,000 direct local jobs. What actually happens is rail work crews, many hired from the mainland, just move along to the next construction segment. The "10,000" is actually just the same smaller work force. The City and HART are just lying as usual. Councilmember Kobayashi says the train hasn't delivered what was promised in terms of jobs. "First it was 17,000 jobs, then 10,000 and here we are at 1,300," said Councilmember Kobayashi.

Rail Proponents and HART website make false claims

It is claimed that rail lawsuits were the major reason why the HART project ran billions over budget. The truth is delay costs from litigation added up to approximately \$78 million, according to HART officials. The bill for outside attorneys raised that by an additional \$3 million, meaning the city and HART have incurred at least \$81 million in costs related to litigation. The reason for litigation included the Hawaii Supreme Court finding in August 2012 that the city and state didn't follow the law when it began building rail columns in West Oahu. The rail rush job mentality, rather than doing the rail project right, was caught by the law requiring identification and protection of Native Hawaiian burials along the rail line. Why was it not done previously?

The Federal lawsuit to stop rail gave the plaintiffs access to FTA's internal email, which revealed intra-FTA concerns about the city's "lousy practices of public manipulation," Use of "inaccurate statements," Culture of "never [having] enough time to do it right, but lots of time to do it over," and an observation that the city had put itself in a "pickle" by setting unrealistic start dates for construction. Absolutely the way it was all done by City politicians who are arrogant.

False - Tourists Pay For Rail Caldwell and HART Website Claims

"... funding the project with the general excise tax, which is effectively a sales tax, because roughly one-third of it comes from tourists." Caldwell. this is absolutely NOT TRUE and the true figure is less than 20%. The property tax on hotels and visitor tax could be raised so that tourists actually pay a one-third share of the rail cost. But THAT will never happen. Instead right now the local Oahu public through regressive taxation is paying at least 80% of the rail cost. This is documented fact from auditors.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Bond". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John Bond, President
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