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HA

# HAWAII ARCHITECT

FEBRUARY, 1978

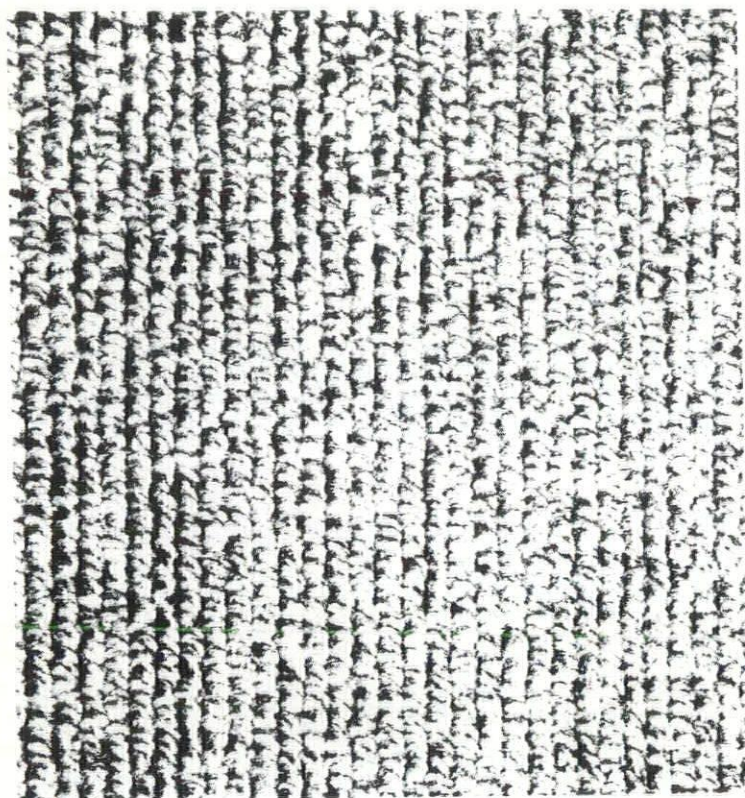
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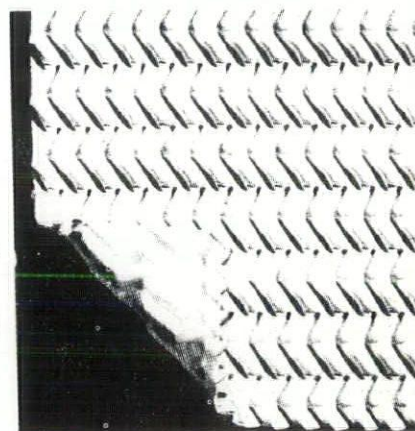
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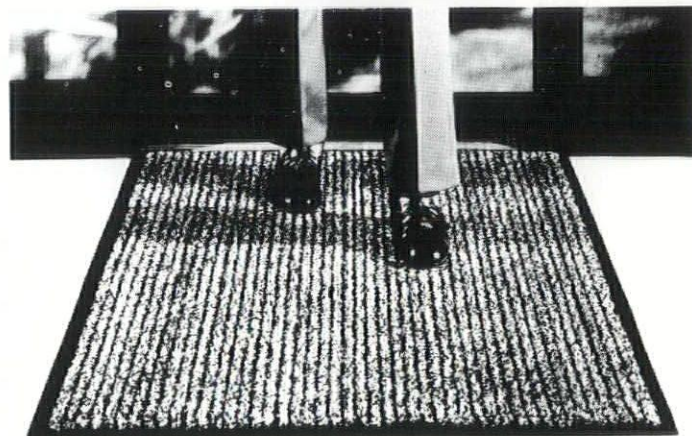
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# HAWAII ARCHITECT

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A strong graphic image is a result of time exposure. The lines of light are created by cars as they whiz past on Nimitz Highway near the waterfront.



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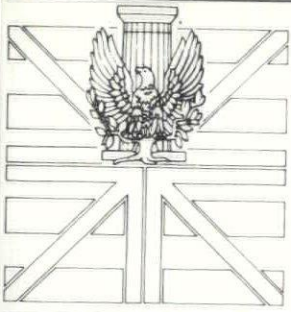
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# President's Message

by E. ALAN HOLL, AIA



The Hawaii Society's "New Era" predicted by Don Goo (Hawaii Architect, January 1977) did, indeed, emerge in 1977. During 1978, the Society will continue "to bring light where there is heat" particularly to those public policy areas where our professional skills and expertise is applicable.

As a result of the resolutions passed at the 1977 annual business meeting, the Hawaii Society is now equipped to generate some impact in public policy, particularly with regard to A/E selection by the state and by the counties. The opportunity to accelerate the involvement generated by the Hawaii Society over the past several years exists in 1978 to a degree never before evident.

Your 1978 Executive Committee is a dedicated, hard working group of sincere professionals. Your 1978 committee and task force chairmen are equally dedicated and hard working. With your active participation and support the Hawaii Society has the opportunity to make a quantum leap forward in 1978.

Get involved! Speak out! Contribute! Your active participation in the Hawaii Society will be a sign of our concern to the public and will represent a strong professional commitment.

An outline of 1978 ExCom liaison and committee task-force chairmen follows. If there is an area in which you are interested, call the ExCom liaison or committee task-force chairman. If you have an area of concern for which there is no organized committee or task force, let me know. When all is said and done, it is your professional organization. Only through your participation can we be effective. HA

## 1978 HAWAII SOCIETY EXCOM COMMITTEE AND TASK FORCE ORGANIZATION

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**E. Alan Holl**

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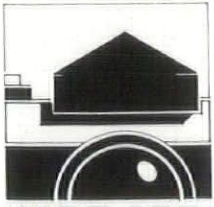
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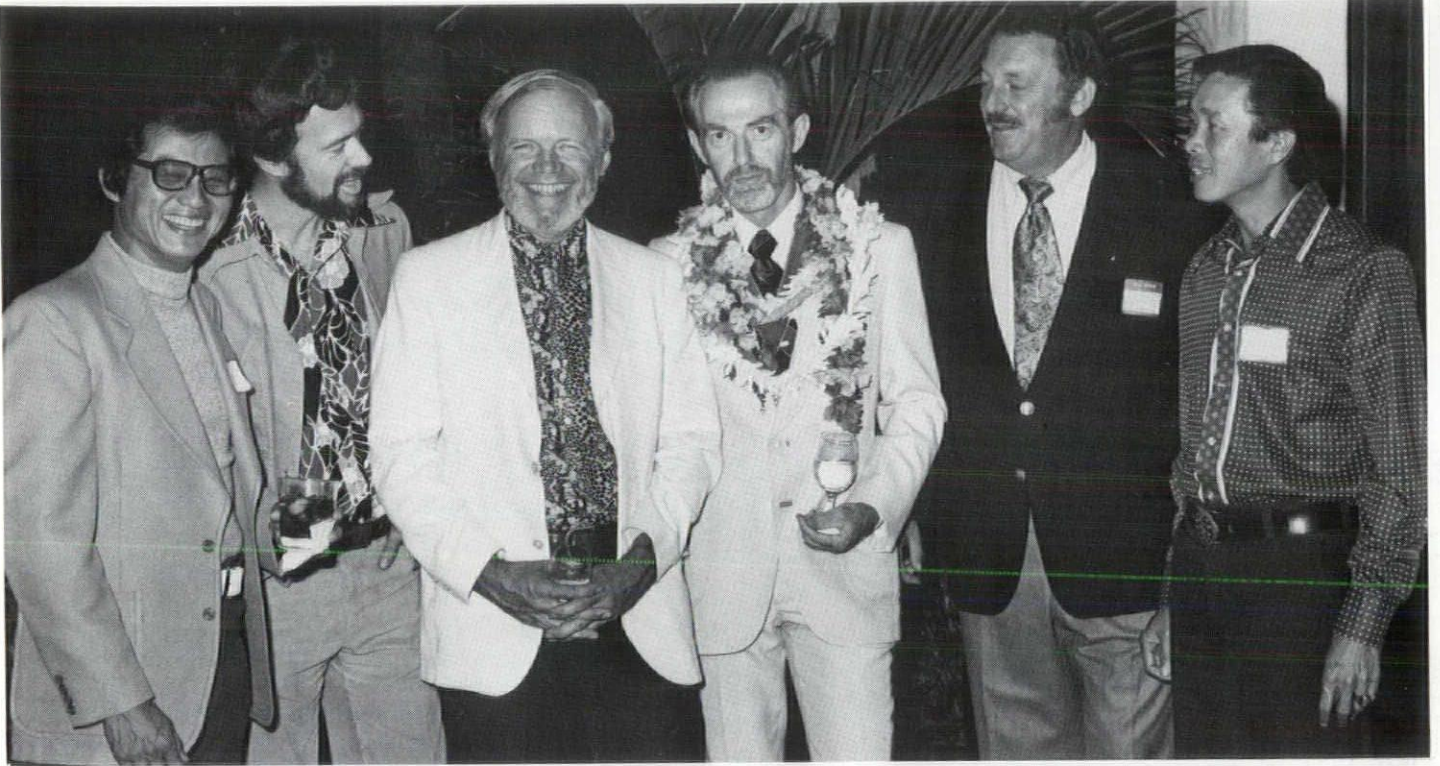




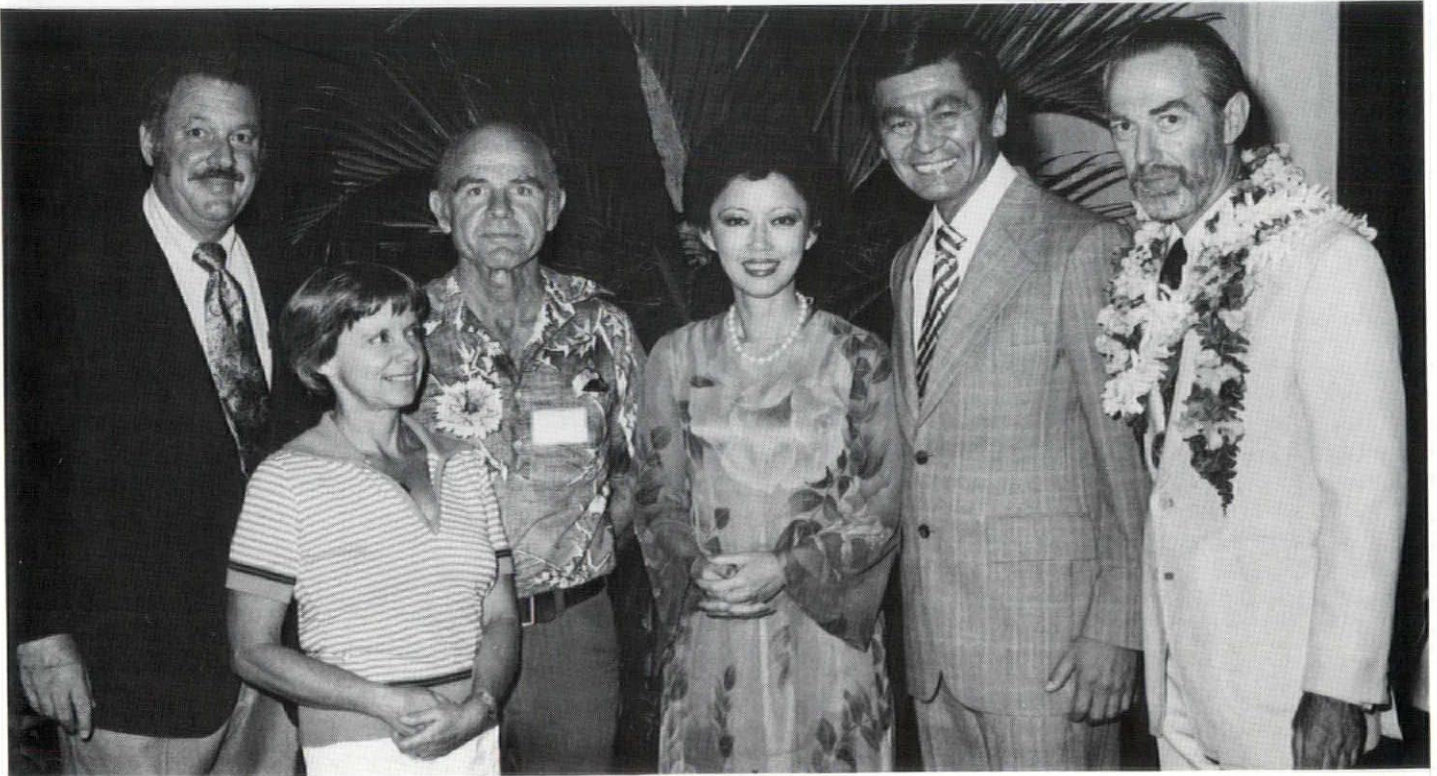
**WIDE-OPEN**  
photo feature

# Honoring Botsai

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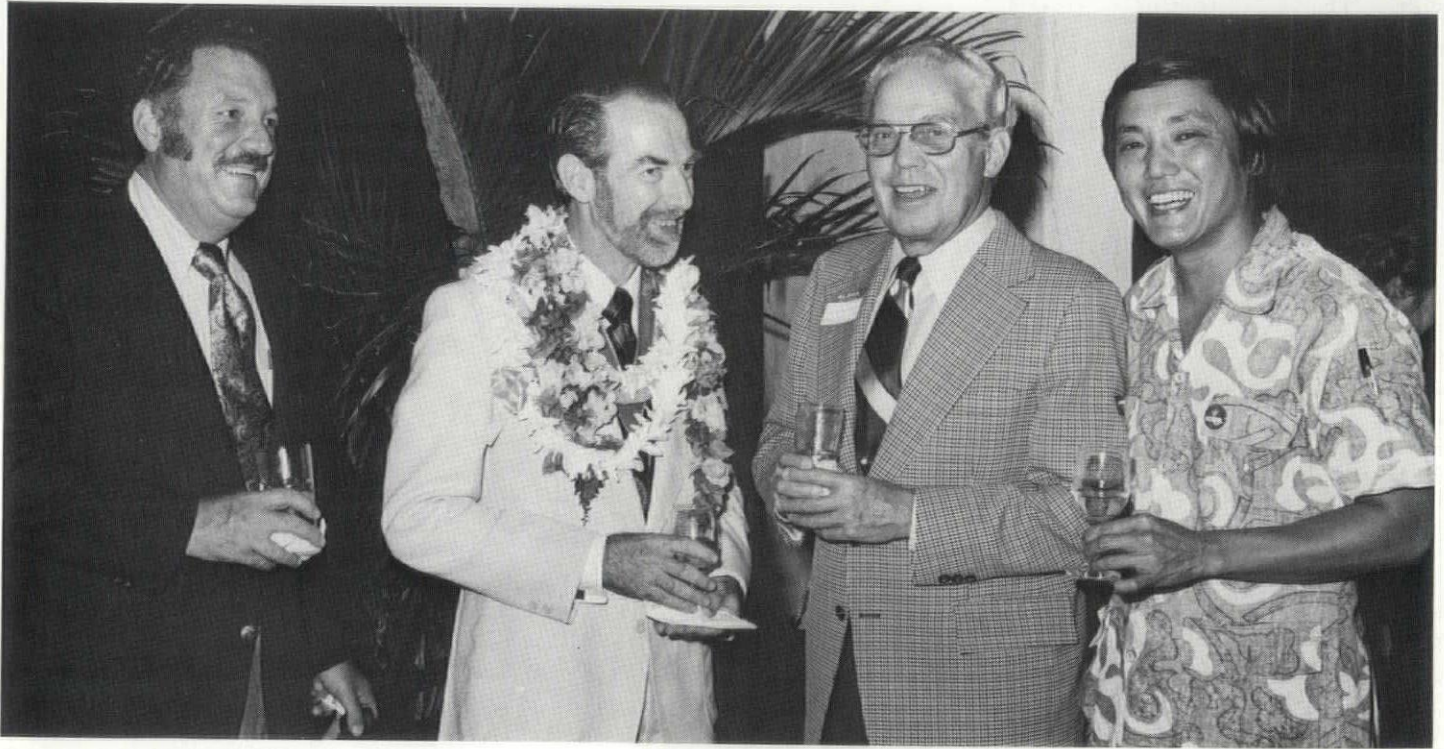
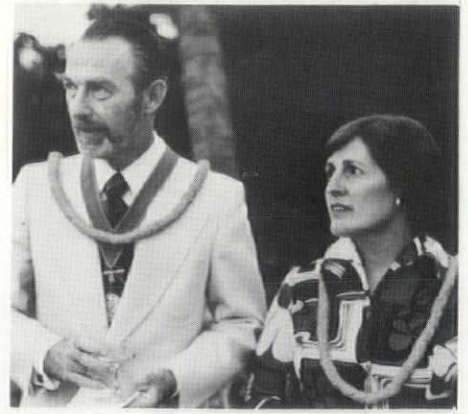




Elmer Botsai, FAIA, chairman of the Department of Architecture, University of Hawaii at Manoa, recently was honored at a reception held at the Pacific Club under the auspices of the Hawaii Society/AIA for being installed as president of the national American Institute of Architects. Among the dignitaries present at the reception were Governor and Mrs. George R. Ariyoshi, City Managing Director Richard Sharpless, Council Chairman Marilyn Bornhorst,

Senator Anson Chong, Councilman Frank Loo and University of Hawaii President Fujio Matsuda.

A fragrant hit of the reception was Robert Randall, a District of Columbia school teacher who recently obtained a Supreme Court ruling to legally smoke marijuana for medicinal reasons. Randall was a guest of Senator Chong, who is chairman of the Health Committee of the State Senate.



5

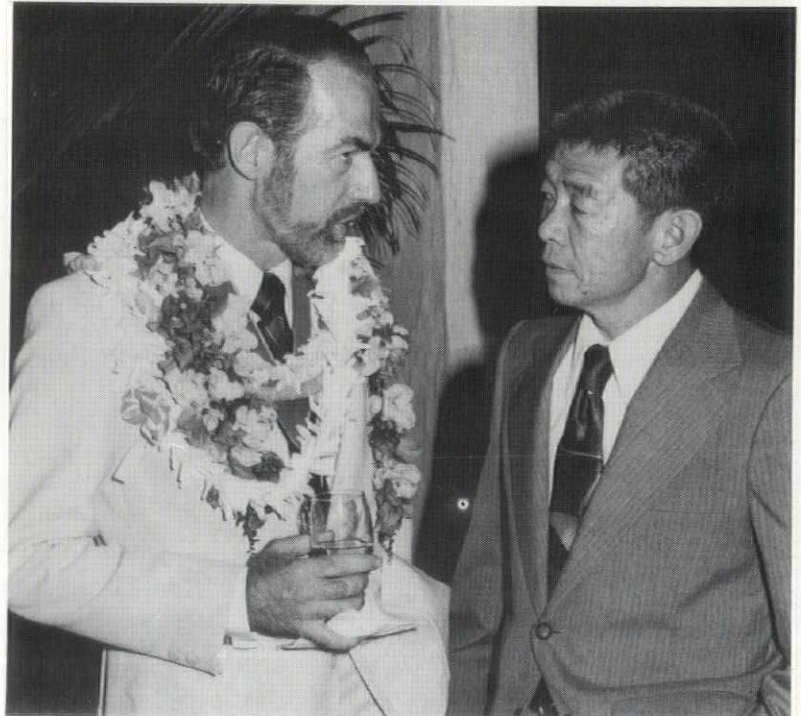
1—Presidents (from left): Owen Chock, Jim Reinhardt, Sid Snyder, Elmer Botsai, E. Alan Holl, Don Goo.

2—From left: E. Alan Holl, Council President Marilyn Bornhorst, Jean Ariyoshi, Governor George Ariyoshi, Elmer Botsai.

3—Elmer and Pat Botsai

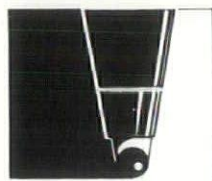
4—From left: E. Alan Holl, Elmer Botsai, City Managing Director Richard Sharpless, Senator Anson Chong.

5—Botsai and Fujio Matsuda, University of Hawaii president.



Photos courtesy of Trade Publishing Co., Shannon McMonagle, photographer

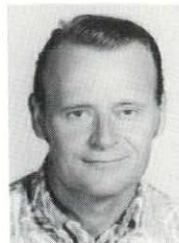




**BALLPOINT**  
commentary

# The Maui County General Plan

A Minority Opinion  
by HANS RIECKE, AIA



After publishing a Proposed Long Range Comprehensive Plan, the mayor appointed almost 250 people to form citizens advisory committees in different regions of Maui for the task of creating a countywide general plan. To see how this would work, I went to five of the eight committee meetings in the Kihei region.

The first meeting was attended by about 20 of the 30 appointed members. After that, the attendance dropped off steadily until at the last scheduled meeting, only seven of the appointed members showed up. Attendance by the public was worse. No more than four persons showed up at any of the meetings I attended.

At the final Kihei meeting, which was held unannounced, several of the appointed committee members had to be brought to the meeting individually in order to reach a quorum. At this meeting, the final draft of each subcommittee was approved by vote and then sent on to the executive committee consisting of the chairpersons of the regional committees. Here all the regional drafts were consolidated into one document.

Although the plan says "the people have spoken," it could hardly be called a plan created by the people of Maui. The mayor cannot be faulted for not trying to get the public involved. But asking 250 citizens to create a general plan is somewhat like asking the sailors to set the course of the ship.

What emerged from the executive committee can best be described as a political wish book proposing the best of all worlds to the people of Maui. Its virtues are its sense of optimism and the recurring expressions of caution against overtaxing our

resources. Its flaws are many. Its language is often imprecise and there are many tedious redundancies and platitudes.

Aside from its obvious language problems, it suffers from a bad case of political rhetoric. Most of the stated policies, of course, are close to the heart of the present administration, therefore, it would be fair to say that the plan is above all an expression of the administration's political objectives. These objectives, although oftentimes not clearly stated, include the following:

- 1—Keep the "newcomers" out as much as possible.
- 2—Keep the racial mix as is.
- 3—Subsidize diversified agriculture.
- 4—Weaken state government controls.
- 5—Strengthen and expand county government controls.
- 6—Keep Maui as rural as possible.
- 7—Keep the visitors in enclaves called "resort destination areas."
- 8—Attract a small number of wealthy ("quality") tourists rather than numerous poor ones.
- 9—Make the developers pay.
- 10—Establish total governmental controls over all construction and development on Maui.

Whether or not these are noble objectives is debatable. The truth is, however, that the majority of the people who live here would probably subscribe to them.

We have on Maui, and in all of Hawaii for that matter, the classic dilemma in which the fastest growing and strongest economic force, the visitor industry, runs counter to the values cherished by most of the local residents. Roads, beaches, and parks become congested, vistas are being

blocked by buildings, life becomes more hurried and complicated. Yet there is no other economically viable major industry on the horizon. Diversified agriculture, unless subsidized, does not have a chance because of high land, transportation, and energy costs. In fact, it is the utter dependence on high-priced imported oil for all of our energy needs that makes it so difficult for us to be competitive in manufacturing and agriculture. No degree of private and governmental wishful thinking will change that. For the foreseeable future we must rely on our biggest assets, the climate, the scenery and the unique cultures of the people who live here to attract the investments needed to keep us employed. The fact is, we need the tourists much more than they need us.

The Maui County General Plan is an attempt to come to grips with the problems created by the influx of people and a supercharged tourist industry by tightening governmental controls on all phases of Maui's economic life. To cite just a few examples:

- "Encourage a programmed rate of visitor industry development . . ."
- "Prohibit direct-scheduled mainland and international passenger flights to the County of Maui . . ."
- "Establish guidelines and programs to further reduce land speculation."

It is expected that all present zoning ordinances and regional general plans will be amended to fit into the mold of the new general plan once it has been adopted by the Council. In this process, extended downzoning is likely to take place.

One has to believe in tight governmental controls in order to be



comfortable with the plan. It is not hard to imagine how the vast powers it proposes to bestow on elected and appointed governmental officials can be misused. The argument that power in the hands of local officials is easier to control than that in the hands of state and federal agencies is certainly valid, but is it necessary or desirable to put such tight curbs on the people of Maui and the private enterprise sector as proposed by this plan?

What gives these officials the wisdom and farsightedness to know what is good for us? Often enough we don't know it ourselves, but under this plan, we will be forced to swallow what has been set before us.

Government has rarely been successful in the long run when it tries to put pressure on a free economy. Experience has taught us that we cannot rely on it to cure our social and economic ills, rather it is likely that with too much governmental meddling, our problems will become more complex and more difficult to solve.

Take the case of low cost housing. The plan proposes to provide "affordable" housing for everyone mostly through subsidies and by making developers pay. However, it fails to recognize and remedy three of the primary reasons for the high cost of housing: Government red tape, unreasonable code and subdivision requirements and laws which discourage and even forbid individual citizens to build their own homes.

There is a difference between planning and controlling. The planning process involves a thorough study of where we are, a realistic appraisal of what we want to accomplish and a clear

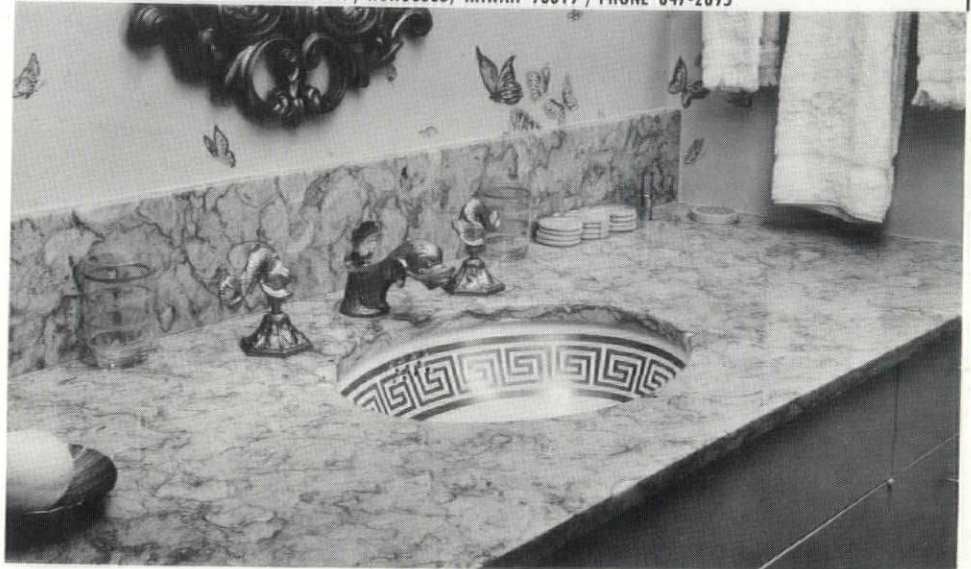
Continued on Page 22

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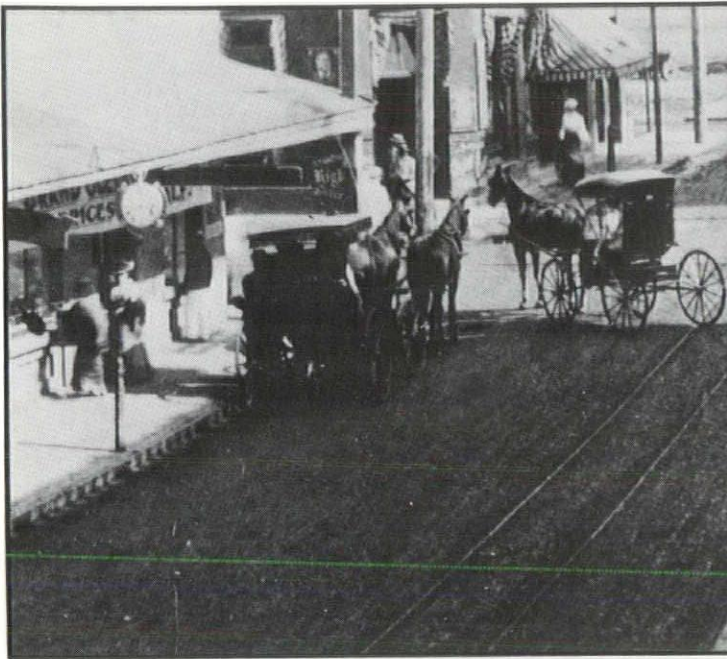
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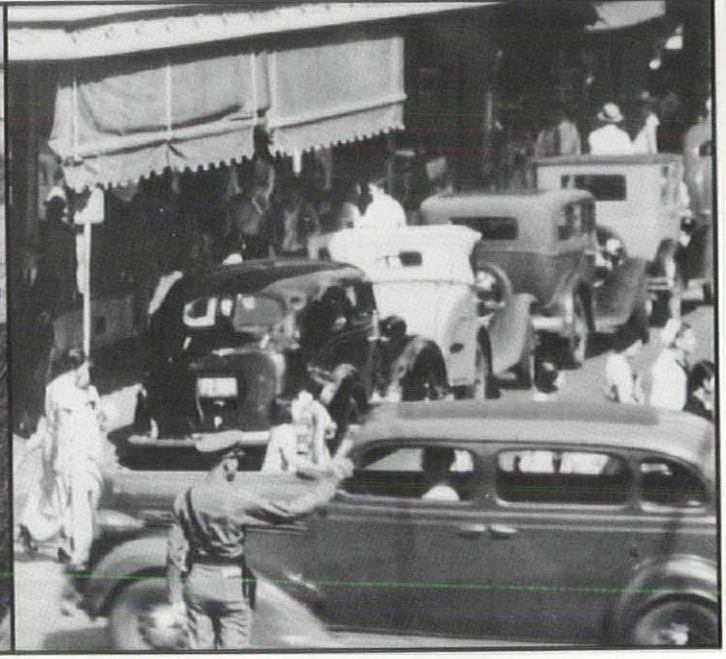


# Honolulu Area Rapid Transit (HART)

by KAZU HAYASHIDA, DIRECTOR  
Department of Transportation Services City & County of Honolulu  
Illustrations courtesy of Department of Transportation Services and Daniel, Mann, Johnson & Mendenhall, Honolulu.



Archival Photo



Archival Photo

Public interest in the proposed HART (Honolulu Area Rapid Transit) system will reach unprecedented heights in the next few months.

This is true for several reasons, the first being the mid-December visit to Hawaii by Dr. Richard S. Page, administrator of the Urban Mass Transportation Administration. That is the federal agency which will make the ultimate decision on the future of public transportation.

Despite a number of national news articles and editorials indicating the Carter Administration was looking more favorably at systems other than fixed rail as recommended for Honolulu, Dr. Page laid that misconception to rest.

At a televised press conference, Dr. Page said he was persuaded that the all-bus alternative for Honolulu had been

looked at. But even more importantly, he said:

"I'm persuaded that the geographical and environmental shape of this urban core (Honolulu) lends itself to a rapid transit line."

Dr. Page gave us high marks on our public transportation progress report and he left us with a renewed feeling of confidence that we are on the right track toward meeting our public transportation needs of 1985-1990 and beyond.

During the month of January alone, two public seminars on public transportation issues were held, both with speakers who are nationally prominent in the field.

The first seminar, held under the auspices of the Oahu Development Conference, attracted several hundred community leaders, transit officials, legislators and members of the City Council.

The second, sponsored by the State of Hawaii, was a two-day session drawing an even larger number of interested spectators.

Within the next few weeks the Department of Transportation will present a televised film which was made locally during the past few months to provide the public with vital information about the HART proposal.

During the next few months following the convening of the 1978 State Legislature, the public transportation issue will be almost constantly in the news since it represents, in financial terms alone, a major public decision which still lies before us.

As the director of the city's Department of Transportation Services, I welcome this almost total involvement by the community which is certain to result as 1978 progresses.

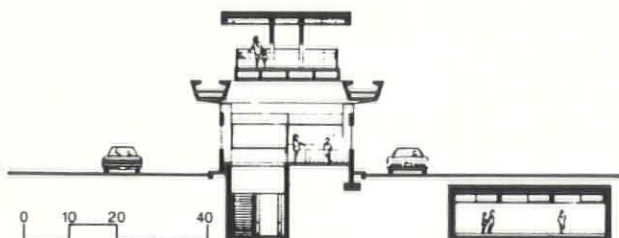
I welcome it because I know that our recommendation to build a fixed guideway system



## TYPICAL AERIAL STATION (CENTER PLATFORM)

A variation of the aerial transit station occurs when the guideway structure is located in a street or highway median. In this case the two guideway beams are separated at the station to permit a center loaded, center platform to be built between them.

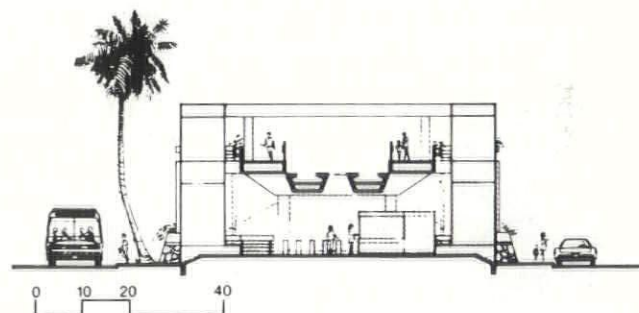
The location of the concourse will vary, depending upon the site conditions. Where the aerial alignment will be above a major highway median such as Pearl City or Pearl Ridge, the concourse will be underslung below the raised guideway and platform level. Access to the concourse will be provided by elevated pedestrian overcrossings into the free area. Where the transit structure will be in the median of more local arterials such as Aiea Haina or Niu, the concourse is placed at-grade, under the guideway structure and pedestrian access provided by underground passageways under the traffic lanes to the free areas.



## TYPICAL AERIAL STATION (SIDE PLATFORM)

An aerial guideway structure will provide the necessary grade separation to allow surface traffic to continue unimpeded under the transit route. On those segments of aerial alignment where private right-of-way will be obtained, the station site is located between cross streets maintaining the 16'-6" clearance required by those cross streets under the guideway structure. Side platforms are utilized in these stations to permit the two guideways to continue through the station at a constant width, minimizing alignment changes and providing savings in construction costs and operational efficiency. The ticketing concourse is built at-grade under the platform structure and will permit direct access to the station entrance by pedestrians, and by patrons using the bus, kiss and ride, and parking facilities.

The escalators, stairs and elevators, on the outside of platforms, discharge passengers at approximately the center of each platform to achieve efficient passenger distribution.



served by our modern bus fleet will stand up to the most intense public scrutiny when compared with any other alternative system.

At this writing, most of you are familiar with the results of our Hotel Street Bus Impact Study in which we added a number of buses to our regularly scheduled downtown runs to simulate conditions which would prevail in the next seven to 10 years.

You saw the results on your own television screens and I believe this test showed better than any words could convey what our future would be like if we chose to simply keep on expanding our bus fleet.

Given the present state of technological development in public transportation, we believe the completion of a HART system is the only acceptable solution for Honolulu.

But we are fortunate that the

general public can and will take the time to check out carefully every aspect of our claims regarding HART's capabilities. Public officials are rightfully cautious when they examine a project of this magnitude.

We are not required to make a decision "under the gun," so to speak. Dr. Page has already advised us that there is no fixed deadline for the project as regards a commitment of federal funds which would cover 80 per cent of the capital costs.

This added flexibility may give us time to add further refinements to the HART system. The proposal to consider an underground section through Kaimuki to Kahala Mall is but one example.

But we should also keep in mind that inflation occurs as each month passes before a final commitment is made by our elected representatives at the

city and state levels. That inflationary rate has been estimated at some \$50 million per year.

I know that most Hawaii Architect readers are professional architects who recently passed a resolution in support of the HART proposal and don't have to be told what a vital force HART could be in Honolulu and how it can enhance our city and make it a more beautiful place in which to live.

Thousands of local residents have made it their business to become fully informed on the public transportation issues. As each week passes by, they are joined by many thousands more.

By the end of this year or early in 1979, let us hope we will have reached a community consensus. I am completely confident that our people will choose HART as the right way to head into a beautiful future for Honolulu. HA

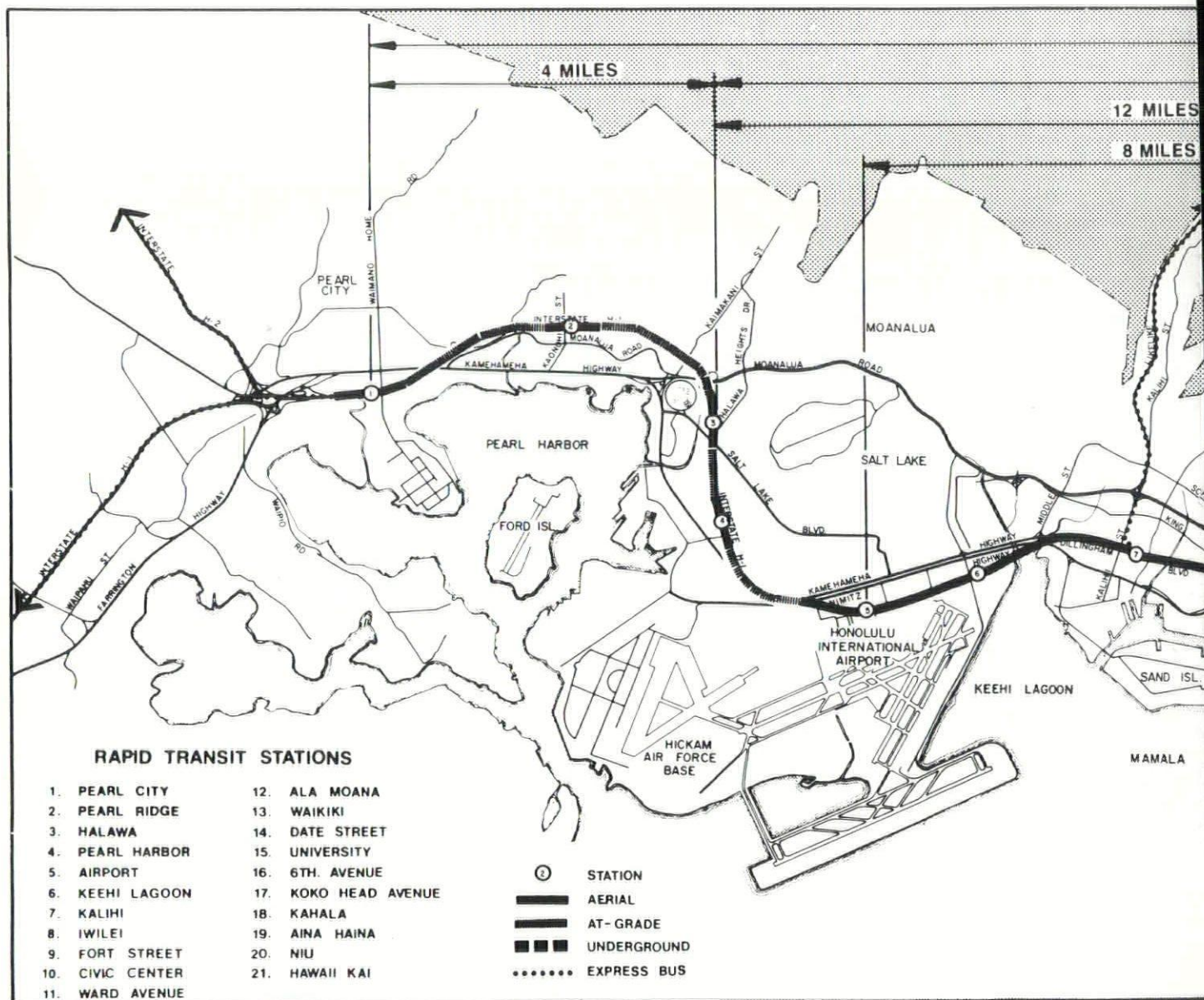
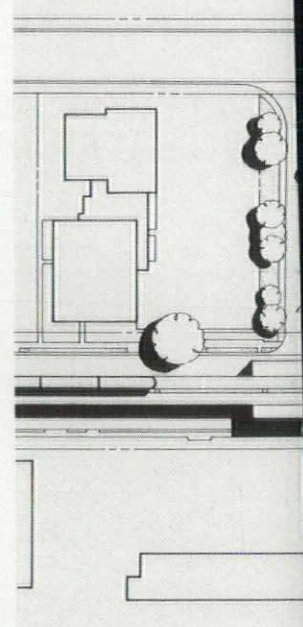
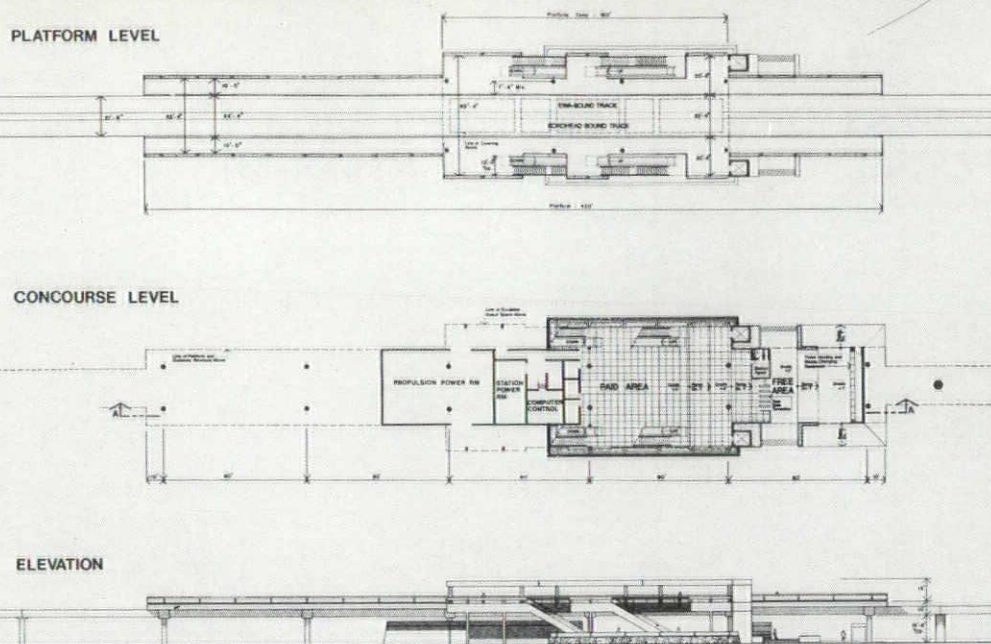


Figure 6-5. Typical Station Plan

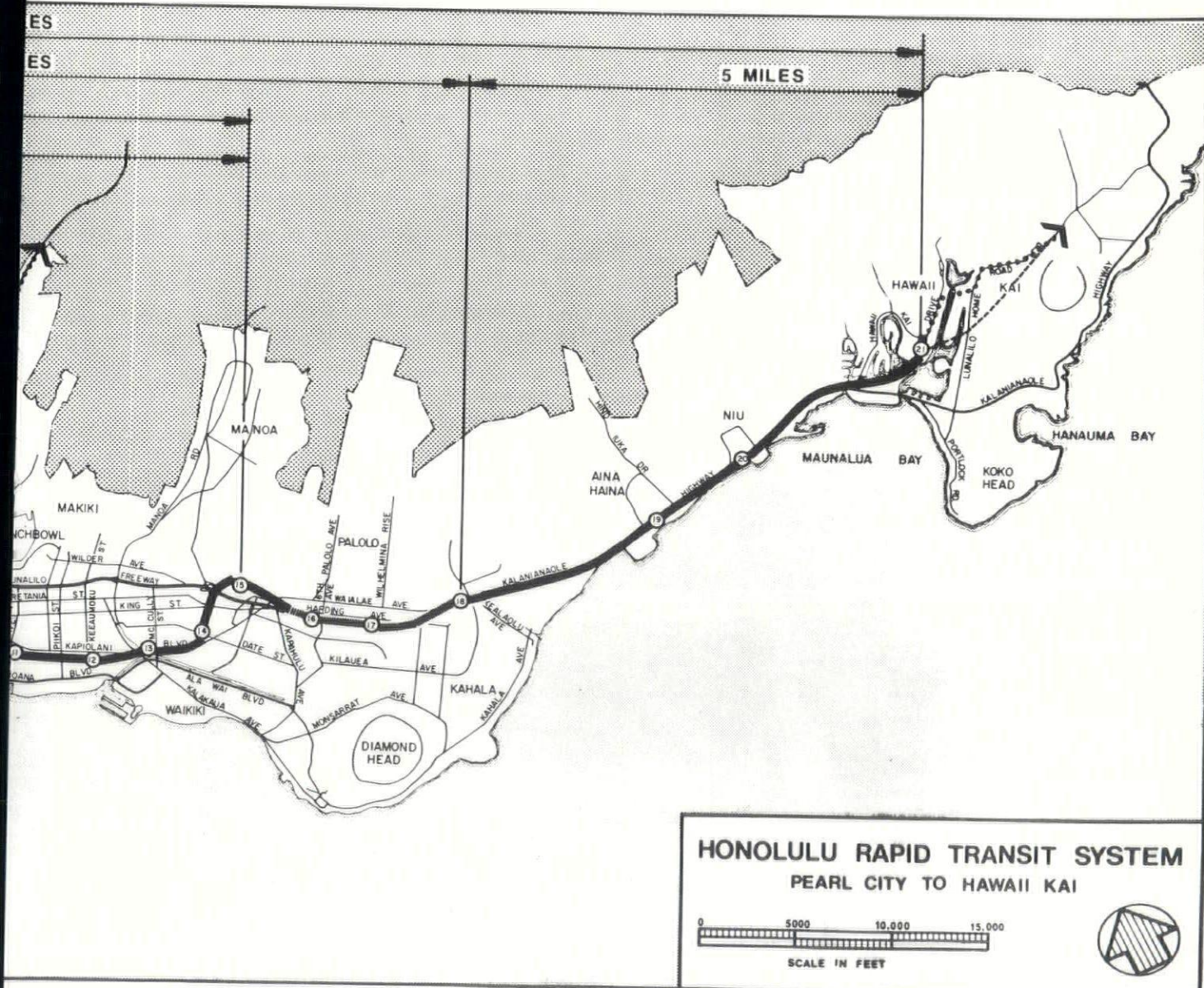
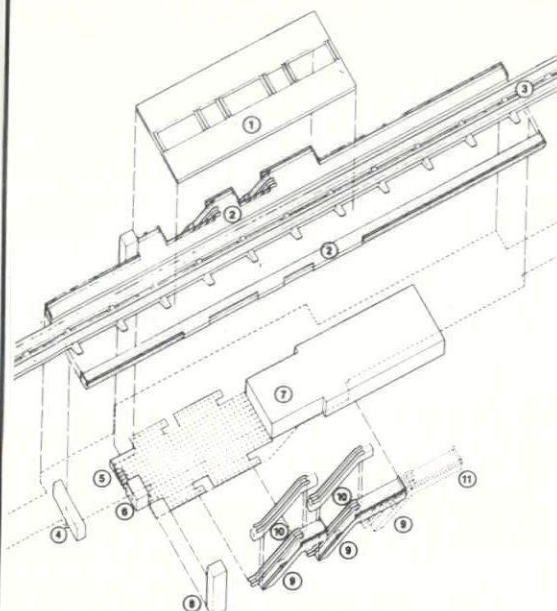
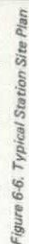
PLATFORM LEVEL

CONCOURSE LEVEL

ELEVATION





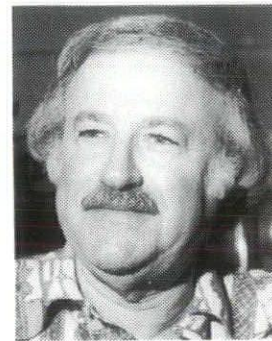






*Ceramic Tile in Cutter Ford showroom reflects the beauty of this 1978 Ford LTD. Richard Cutter, general manager, also shown here, points with pride both to facilities and sales records of the company. General contractor for the Cutter Ford facility: Harvis Construction Inc., Honolulu and Raiser Construction of San Mateo, California.*

## Indoors and out Ceramic Tile helps display and sell for Cutter Ford



*Richard Cutter*

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George S. Berean, AIA, and Ronald J. Holecek, AIA, have been named partners in the Honolulu firm of Wimberly, Whisenand, Allison, Tong & Goo, Architects.

A native of Ketchikan, Alaska, Berean attended Oregon State University, Lower Columbia College, and received his Bachelor of Architecture degree from the University of Washington in 1969. He is a member of Tau Sigma Delta, an architectural honor society. He was associated with several Seattle companies and with Ashley-Myer-Smith, Cambridge, Massachusetts, before coming to Honolulu in 1971. An active member of HS/AIA, he was chairman of the HS/AIA Energy Task Force in 1977.

Holecek was born in Baker, Montana, and received his Bachelor of Architecture degree from North Dakota State University in 1968. After two years with the U.S. Army in Europe, he earned his Master of Architecture degree at the University of Washington in 1972. Prior to coming to Hawaii, he worked with firms in North Dakota and held a teaching position at North Dakota State University. He is a corporate member of the AIA and is co-editor of Hawaii Architect. **HA**

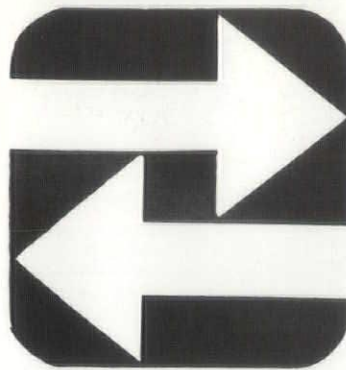


**Berean**



**Holecek**

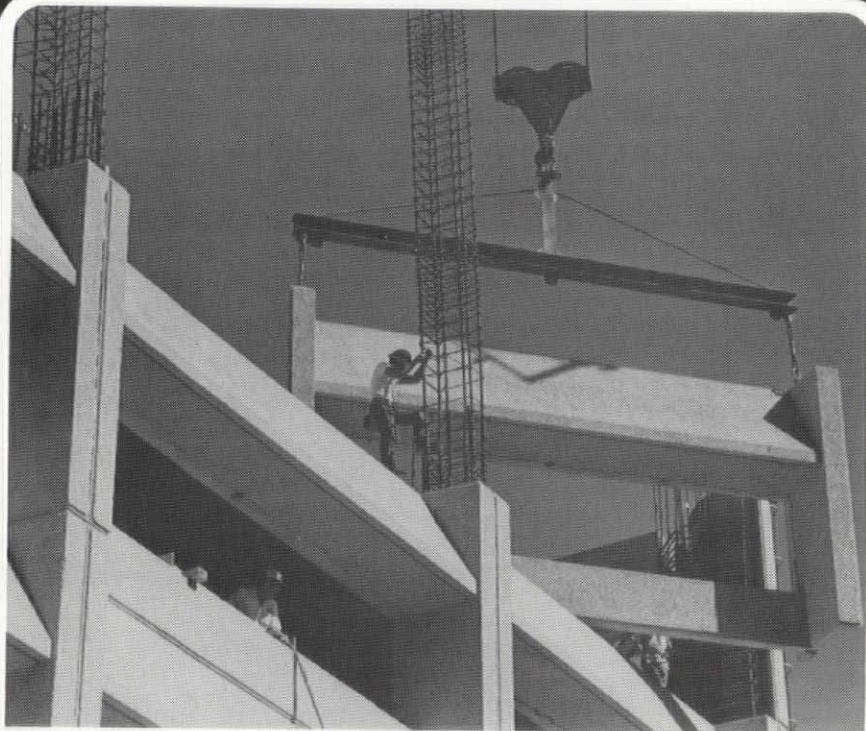
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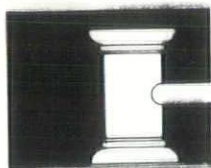
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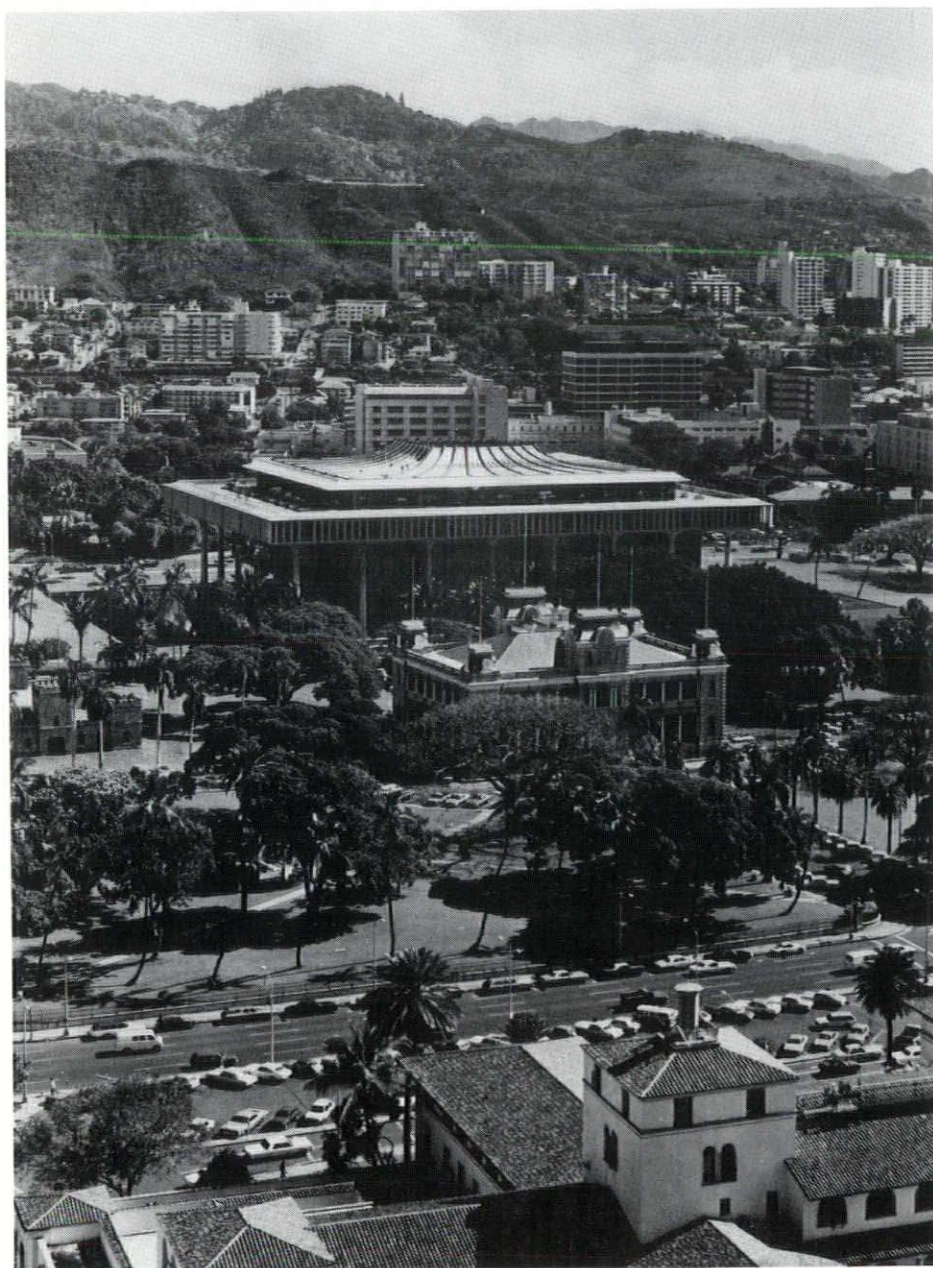




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# A-E Selection

by JAMES REINHARDT, AIA



Can we get an A-E selection law passed this session? How strong will it be when and if it gets through the legislature? How stubbornly will the administration resist it?

While the debate goes on in Hawaii, much of the real issue may have already been settled.

Architects and engineers make campaign contributions to political figures, governmental contracts are awarded to architects and engineers. The problem is that there is an astonishingly high correlation between those who give and those who get. Potential cures can deal with either part of the conditions—either the giving or the getting. A-E selection deals with the getting. Public financing deals with the giving.

It may come as a very sharp surprise both to members of the design professions and to the politicians that the federal government has already dealt with the giving much more extensively than nearly anyone has realized.

According to the U.S. codes (18 U.S.C. Section 441c-a) passed in 1976,

"It shall be unlawful for any person: (1) who enters into a contract with the United States or any department thereof . . . for the rendition of personal services . . . if payment . . . is made in whole or in part from funds appropriated by Congress, . . . to directly or indirectly

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make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee or candidate for public office or to any person for any political purpose or

"(2) to solicit any such contribution . . ." 18 U.S.C. Section 441j(a) "Any person following May 11, 1976, who knowingly and willfully commits a violation of any provision or provisions of this Act which involves the making, receiving or reporting of any contribution of expenditure having a value . . . of \$250 more during a calendar year . . . shall be fined in an amount which does not exceed the greater of \$25,000 or 300 per cent of the amount of the contribution . . . (and) imprisoned for not more than 1 year, or both . . ."

The message is quite clear, but a few observations should be made:

1—"any person . . . who knowingly . . . commits a violation." Before you read this article you might have had a defense. No longer! In addition, since Hawaii Architect is mailed to a majority of firms in Hawaii, this information can now be said to be part of the knowledge of the trade.

2—"a contract with the United States or any department thereof . . . if payment . . . is made in whole or in part from funds appropriated by Congress . . ." This appears to apply to federal money disbursed through state, county or city programs. What CIP project does not have at least some federal money? DOT, HEW, DOE, DOD, HUD, EPA, ERDA, EDA . . . the chances are overwhelming that any project an architect or engineer would be involved with has federal funds of one sort or other.

3—"personal services" . . . that would include architectural and engineering services.

4—"to directly or indirectly . . . promise expressly or impliedly . . ." That pretty well covers it!

5—"or to solicit any such contribution . . ." The politician is on the hook too.

6—"shall be fined . . . \$25,000 . . . and imprisoned for not more

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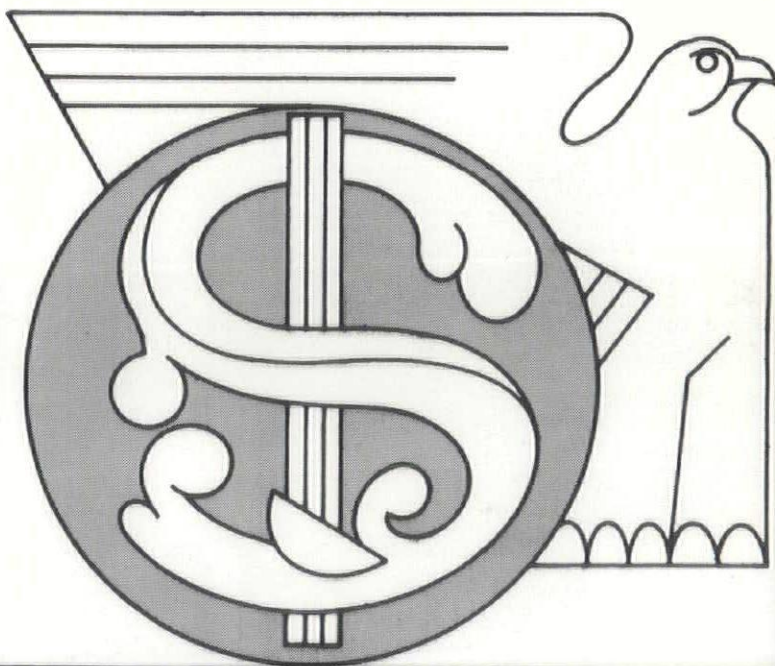
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Continued on Page 18





## A-E Selection

Continued from Page 19

than 1 year or both . . ." That's a criminal violation and would likely cause loss of professional license as well.

If that doesn't set you back a bit, continue on.

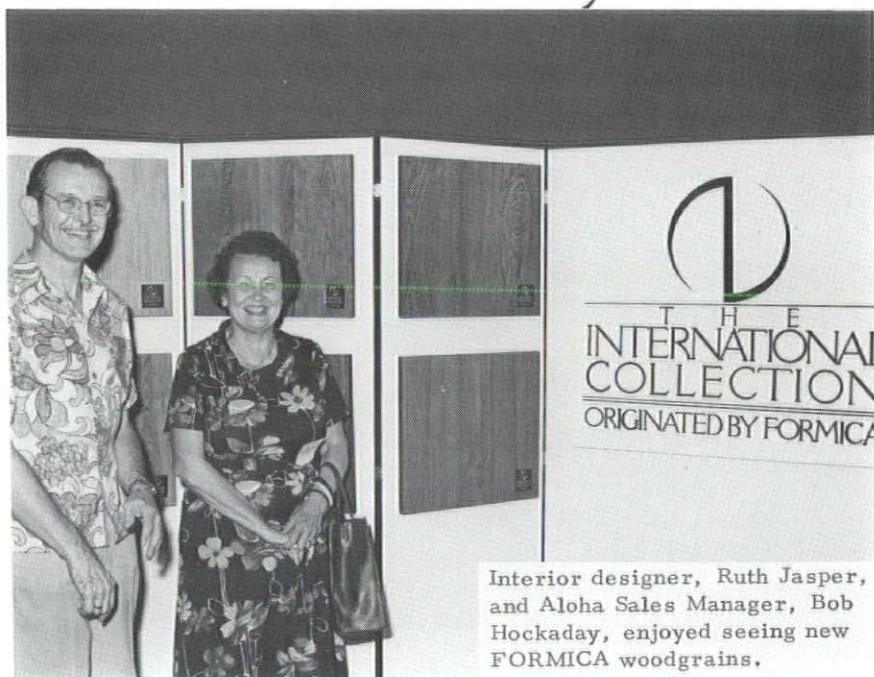
The Federal Procurement Regulations (4 C.F.R. Section 1-1.605-1) provide that a federal agency may suspend a firm or individual suspected, upon adequate evidence of committing a fraud or criminal offense in attempting to obtain a public contract, from consideration or completion of any federal contract. Clearly an apparent violation of 18 U.S.C. Section 441c would constitute grounds for suspension.

From numerous discussions with numerous architects and engineers, it is clear that the "contributions" made are not always completely voluntary—that there is often a strongly implied "If you want contracts, contribute."

According to 18 U.S.C. Section 1951b, (the Hobbs Act) and subsequent case law, any official who "under color of official right . . . obtains the property of another . . . with his consent . . ." to improperly influence the award of contracts is guilty of extortion, and may be fined not more than \$10,000 or imprisoned for not more than 20 years, or both. In the case of *U.S. v Trotta*, 525F. 2d 1096 (2d. Cir 1975) (Nov. 10, 1975) a town commissioner of public works was charged and convicted of "using the power of his office over town engineering contracts to induce payment of money from engineering firms which the defendant had no right to receive."

In addition to 18 U.S.C. Section 441c, which is a general regulation, the various federal agencies have their own regulations regarding political contributions. The Environmental Protection Agency, for instance,

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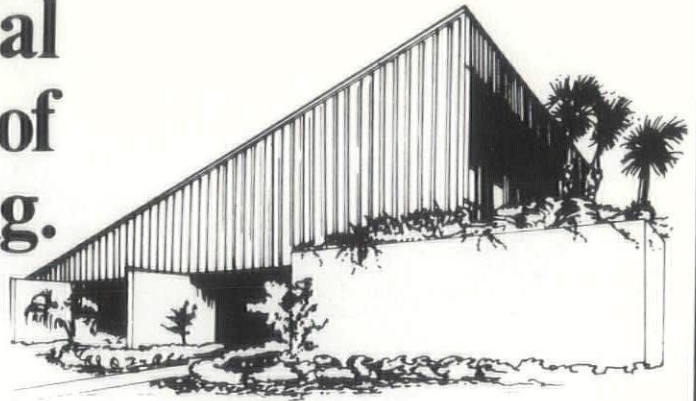
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requires that the award of its contracts be "accomplished free from bribery, graft, kickbacks and other corrupt practices." EPA further requires the grantee—the state, county, or city for example—to bear primary responsibility for prevention and detection of such practices.

While EPA puts the enforcement responsibility on the grantee, it is not ignoring the possibility of violations, and has developed a staff of special investigators. This whole subject area came to our attention as a result of a meeting with one of these investigators from EPA who was and is looking aggressively for cases to prosecute. From his experience, there appear to be two sets of rules, one for the mainland states and one for Hawaii. "Whenever I talk about contract awards in Hawaii to architects and engineers on the West Coast, they just smile," he commented.

It should be noted that many of the laws regarding illegal influence of contract awards are relatively new, post-Agnew in origin. Their effects are just now becoming usable. If the professional contract award bills now before the State Legislature pass, the incentive for architects and engineers to make large contributions to increase their chances of getting contracts will be largely eliminated.

Even if those bills do not become law the consequences of violations of existing federal laws should significantly discourage architects and engineers from making contributions to get contracts. **HA**

(Editors Note: Reinhardt emphasizes that he is not an attorney and that this article is intended to be used for information only. It does not constitute a legal opinion and should not be used for legal guidance in lieu of consulting legal counsel.)



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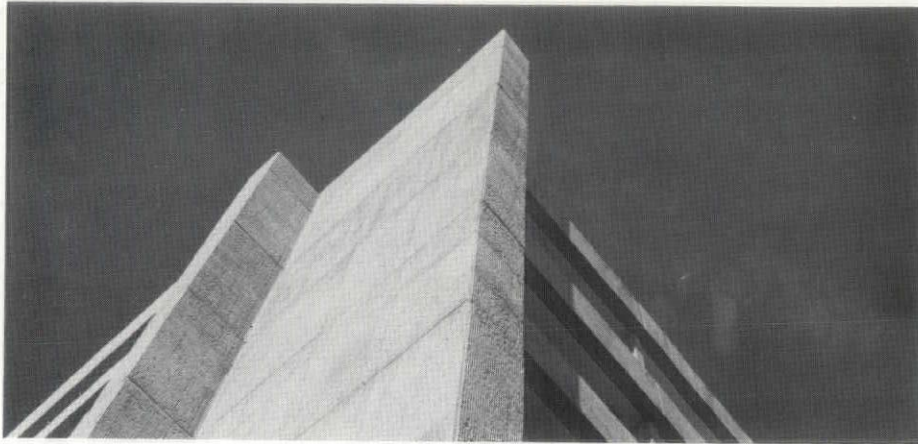
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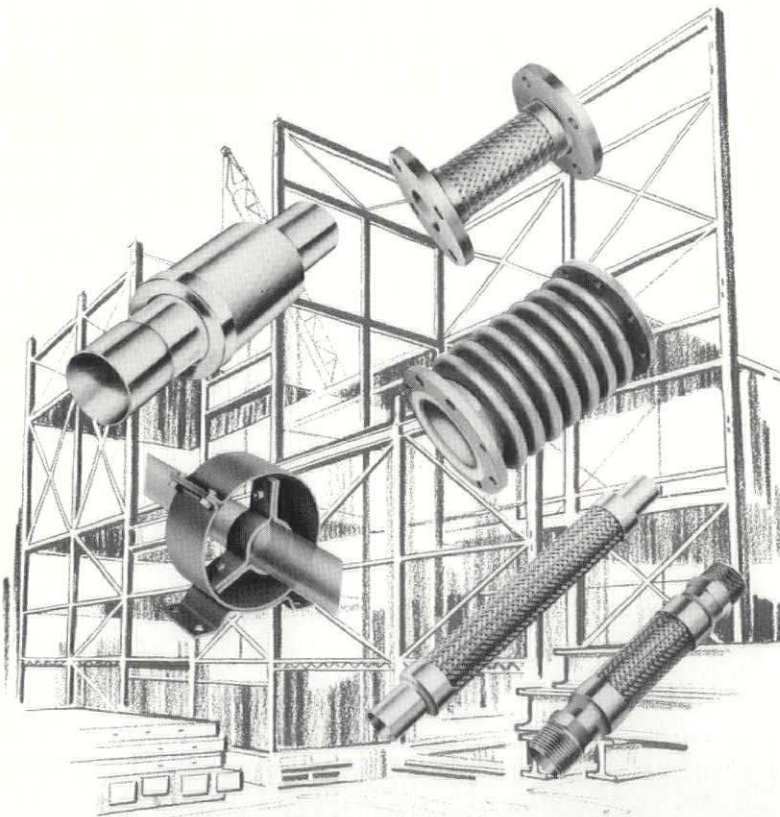
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## Maui County General Plan

Continued from Page 9

description of several ways to achieve our goals. These goals should be as limited as possible and the ways to achieve them as numerous and flexible as possible in order to have a chance for any measure of success. Conditions change constantly and so must the responses to them.

I believe that a less encumbered private sector can be more flexible and responsive than one burdened with rigid rules and requirements imposed and enforced by our well-meaning bureaucrats. Under this plan, the balance of power is tipped heavily in favor of governmental controls.

What we need is a plan that

provides opportunities and incentives to individuals and corporations to tackle our most pressing problems, rather than one that appears to be designed to stifle them. We should always resist the urge to ask our elected officials to do for us what we can do for ourselves. Extensive government services and controls are not only too costly in terms of money but also in terms of lost liberties.

I am doubtful that any amount of planning will have much impact. Even under the best of circumstances, economic forces cannot be controlled for long by external pressures. Although we may feel otherwise, Maui is still an integral part of the State of Hawaii and the U.S.A. economically as well as politically. Much of the food we eat and almost all of the goods we use are produced elsewhere. We cannot become "an island unto ourselves" any time soon unless we are willing to accept a drastic change in our living standards.

I doubt that the people who live here are prepared for that. **HA**

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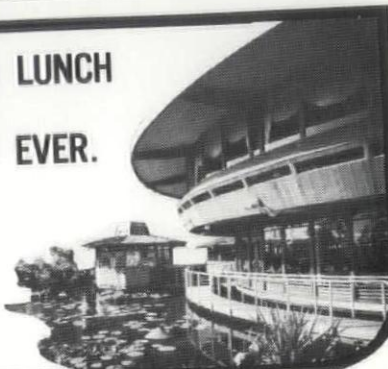
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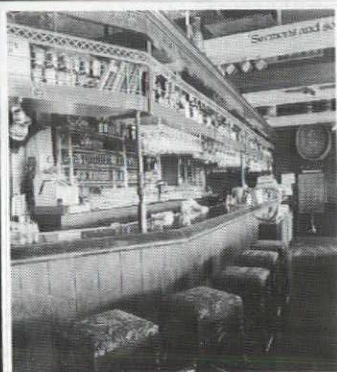
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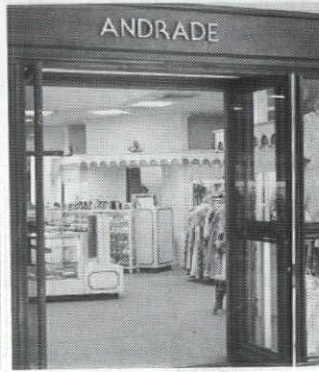
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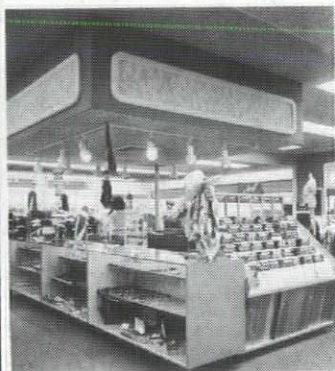
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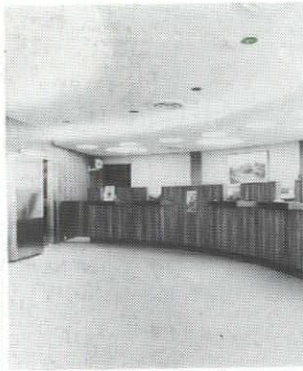
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