



HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

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Carrie K.S. Okinaga, Esq.

Board of Directors Meeting
Mission Memorial Annex Conference Room
550 South King Street, Honolulu, Hawaii
Thursday, August 15, 2013, 9:30 am

Agenda

- I. Call to Order by Chair
- II. Public Testimony on All Agenda Items
- III. Approval of Minutes of the July 25, 2013 Board of Directors Meeting
- IV. Committee Reports
 - A. July 25, 2013 Transit Oriented Development Committee Meeting
 - B. August 15, 2013 Transit Oriented Development Committee Meeting
 - C. August 15, 2013 Joint Meeting of the Finance and Project Oversight Committees
- V. Quarterly Update on HART/Ansaldo/Department of Transportation Services/Oahu Transit Services Working Group
- VI. Committee Membership
- VII. Quarterly Balanced Scorecard Update
- VIII. Adoption of HART's Annual Report
- IX. Government Relations Report
- X. Litigation Update
- XI. Executive Director and CEO's Report
- XII. Executive Session

To consult with the Board of Directors' attorneys on questions and issues pertaining to its powers, duties, privileges, immunities and liabilities pursuant to Hawaii Revised Statutes Section 92-4 and Section 92-5(a)(4) regarding the Supreme Court of Hawaii's Ruling in *Kaleikini v. Yoshioka, et al.*, SCAP-11-0000611, and other pending litigation.
- XIII. Adjournment

Note: Persons wishing to testify on items listed on the agenda are requested to register by completing a speaker registration form at the meeting or online on the HART section of the www.honolulustransit.org website. Each speaker is limited to a **two-minute** presentation.

Persons who have not registered to speak in advance should raise their hands at the time designated for public testimony and they will be given an opportunity to speak following oral testimonies of the registered speakers.

Any physically challenged person requiring special assistance should call (808) 768-6258 for details at least three days prior to the meeting date.



HART-OTS-DTS Working Group

Summary of Activity
April to June 2013



Overview of HART-OTS-DTS Working Group

- Formed in April 2013
- Joint Resolution of HART and OTS Board of Directors
- Consists of Representatives from HART, OTS and DTS, plus other relevant agencies and organizations



Purpose of Working Group

- To conduct research, prepare and present data and documentation, and identify opportunities for coordination and cooperation between HART, OTS and DTS as it relates to seamless intermodal operations between Rail, TheBus and TheHandi-Van.



Areas of Focus

1. Cost efficient and seamless intermodal operations
2. Identification and elimination of operational redundancies
3. Identification and maximization of operational synergies
4. Common fare media/technology, IT and telecommunications
5. Implementation of equitable fare structures and prices
6. Identify potential scenarios for cost-effective administration, operations and/or maintenance of Rail, Bus and intermodal operations
7. Any and all other information and/or proposals in furtherance of Rail and Bus intermodal operations



Activities

- Conduct research on Bus and Rail intermodal operations in other municipalities (pros and cons), including fare structure
- Prepare and present data and documentation to policy makers (HART and DTS)
- Identify opportunities for coordination and cooperation between Bus and Rail
- Identify lessons learned by other transit systems



Reporting Requirements

- The Working Group will report back to the HART board, OTS and DTS on a quarterly basis, with an Interim Report on or about January 2014 and a Final Report on or about December 2014 (subject to completion of studies).



Working Group Activity April-June 2013

- Kickoff meeting held on June 14, 2013
- 24 attendees from various agencies/departments, including:
 - Honolulu Authority for Rapid Transportation (HART)
 - Oahu Transit Services (OTS)
 - CCH Department of Transportation Services (DTS)
 - CCH Department of Information Technology (DIT)
 - Ansaldo Honolulu Joint Venture (AHJV)
 - Innovative Paradigms (Paratransit services)



Other Working Group Activity April-June 2013

- DTS contract for Electronic Fare Collection Study conditionally awarded
- DIT and HART collaboration on computer data storage capacity
- HART-DTS Ala Moana Center Station Design coordination meetings
- HART-DTS Bus-Rail Coordination Meetings for Kamehameha Highway segment



Working Group Activity Ongoing & Planned

- Monthly meetings are scheduled for the 3rd Friday of each month at 9:00 AM
- Additional meetings, workshops, site visits, etc. will be scheduled as needed
- Technical committees or sub-groups will be formed as needed to conduct research on specific topics





HART-OTS-DTS Joint Working Group

One Goal: The best intermodal operations among multimodal transit systems in the U.S.

Mahalo!





COMMITTEE MEMBERSHIP

Committees	Chair	Vice Chair	Members
Government Affairs/Audit / Legal Matters	Robert Bunda	Carrie Okinaga	Michael Formby Don Horner Ivan Lui-Kwan
Finance	Keslie Hui	Don Horner	George Atta Robert Bunda Michael Formby Ivan Lui-Kwan Glenn Okimoto Carrie Okinaga
Project Oversight	Damien Kim	William Hong	Michael Formby Don Horner Ivan Lui-Kwan Carrie Okinaga
Transit Oriented Development	William Hong	Robert Bunda	George Atta Michael Formby Don Horner Keslie Hui Ivan Lui-Kwan
Human Resources	Carrie Okinaga	Don Horner	Robert Bunda Michael Formby Keslie Hui



Permanent Committees of the Board of Directors
Areas of Responsibility
(Committee actions subject to full Board approval)

Finance Committee

- **Areas of Responsibility:**
 - Oversee the Authority's budget process including:
 - Review the Executive Director's proposed annual Operating and Capital Budgets and recommend amendments, if any, to the full Board
 - Review and make recommendations on any budget amendments during the fiscal year
 - Receive periodic reports regarding, and monitor actual revenue and expenditures vis-à-vis the Operating and Capital budgets
 - Monitor the Authority's long range Financial Plan
 - Monitor annual Business Plan, and recommend amendments to the full Board
 - Monitor effectiveness of the Authority's Financial Policies and develop amendments as appropriate.
- **Meeting Frequency:** Monthly

Project Oversight Committee

- **Areas of Responsibility:**
 - Oversee the implementation of the Honolulu High Capacity Transit Corridor Project (HHCTCP) focusing on scope, schedule and budget:
 - Monitor scope changes
 - Monitor schedule status
 - Monitor actual expenditures versus budget for the HHCTCP
 - Review and recommend for discussion by the full Board major policy issues affecting the implementation and management of the HHCTCP; examples include:
 - Compliance with FTA project management and grant requirements
 - Revenue policies, such those pertaining to concessions, advertising, or the fare collection system
 - Policies prioritizing safety, such as policing and security
 - Review property acquisitions proposed for condemnation actions.
- **Meeting Frequency:** Monthly

Transit Oriented Development Committee

- **Areas of Responsibility:**
 - Oversee the efforts to create, promote and assist Transit Oriented Development (TOD) near HHCTCP stations including:
 - Receive reports from HART and Department of Planning and Permitting staff
 - Review proposed joint development projects involving HART property and make recommendations to the full Board
 - Identify and develop recommendations addressing impediments to creating, promoting and assisting transit oriented development.
- **Meeting Frequency:** Monthly or as needed

Human Resources

- **Areas of Responsibility:**
 - Direct the evaluation process for the Executive Director/Chief Executive Officer
 - Review and monitor Project Labor Agreements
 - Review and monitor the Authority's human resource policies including EEO Policy review and implementation; the classification and compensation system and its effectiveness in recruiting qualified staff; and training and employee development programs.
 - Oversee development of fare policy
- **Meeting Frequency:** As needed

Government Affairs/Audit/Legal Matters Committee

- **Areas of Responsibility:**
 - Receive the report(s) from independent auditors on both the annual audit and any special audits requested
 - Identify problems, issues and/or management follow-up actions emanating from any audits of the Authority's activities
 - Pursue investigations initiated by the Board
 - Review and formulate strategy on risk management and any legal issues that confront the Authority
 - Monitor Programmatic Agreement
 - Review with the HART CEO legislation and/or initiatives proposed by governmental partners, and recommend to the HART board as to whether the board should take a position or testify regarding said initiative and/or proposed legislation.
- **Meeting Frequency:** Quarterly or as needed

Comments and Legend					
●	On track or ahead of plan.	●	Immediate attention needed; Requires recovery/resolution.	●	Monitoring.
●	Monitoring; Requires special attention.	○	No current target/activity to date; Action pending.	N/A	Not Applicable.
			TBD		To be determined.
	New Balanced Scorecard items are shaded in blue for ease of identification.				Status color changes are shaded in yellow.

For Project Finances, reporting will be based on Current Quarter, Fiscal Year, FFGA Financial Plan and Inception to Date data as appropriate.

1	Project Finances					
2	Operating Budget [Negative = below Plan]					
3	Activity	Time Period	Actual	Plan	Variance	Status
3	Operating Expenditures	Current Quarter (Q4 FY13) April, May, June 2013	\$4.9	\$5.3	(\$0.4)	●
4		FY2013 Total July 2012-June 2013	\$16.2	\$21.1	(\$4.9)	●
5		FFGA Financial Plan October 16, 2009 - June 2013	\$45	\$55	(\$10)	●
6		Inception* to Date January 2007 - June 2013	\$49.0	\$58.6	(\$9.6)	●
7	Capital Budget [Negative = below Plan]					
8	Capital Expenditures	Current Quarter (Q4 FY13) April, May, June 2013	\$81	\$184	(\$103)	●
9		FY2013 Total July 2012-June 2013	\$247	\$734	(\$486)	●
10		FFGA Financial Plan October 16, 2009 - June 2013	\$657	\$1,302	(\$646)	●
11		Inception* to Date January 2007 - June 2013	\$740	\$1,386	(\$646)	●
12	Revenues [Negative = below Plan]					
13	GET Collections					
14	Net GET Surcharge Receipts	Current Quarter (Q4 FY13) April, May, June 2013	\$55	\$51	+\$4	●
15		FY2013 Total July 2012-June 2013	\$170	\$203	(\$33)	●
16		FFGA Financial Plan October 16, 2009 - June 2013	\$651	\$684	(\$33)	●
17		Inception* to Date January 2007 - June 2013	\$1,029	\$1,062	(\$33)	●
18	Federal Grants					
19	Federal Grant Funds New Starts \$5309 (Reimbursed)	Current Quarter (Q4 FY13) April, May, June 2013	\$13	\$65	(\$52)	●
20		FY2013 Total July 2012-June 2013	\$82	\$258	(\$176)	●
21		FFGA Financial Plan October 16, 2009 - June 2013	\$144	\$378	(\$234)	●
22	Federal Grant Funds \$5307 (Reimbursed)	Current Quarter (Q4 FY13) April, May, June 2013	---	---	N/A	
23		FY2013 Total July 2012-June 2013	---	---	N/A	
24		FFGA Financial Plan October 16, 2009 - June 2013	---	---	N/A	

Activity	Current Quarter (Q4 FY13)				Inception to Date				Comments and Legend	
	April, May, June 2013				January 2007 - June 2013					
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status		
For the remainder of the Balanced Scorecard, reporting will be based on Current Quarter and Inception to Date data.										
25	Project Budget									
26	FFGA Baseline Project Budget	N/A	N/A	N/A	○	\$5,122	\$5,122	N/A	●	\$M FFGA Baseline Project Budget (including contingencies and FTA-eligible finance charges), in accordance with FTA New Starts project guidelines.
27	Committed (\$)	\$9	---	---	●	\$2,269	\$4,253	(\$1,984)	●	\$M Total Committed (awarded Contract Values + approved Change Orders) this quarter and to date vs. the current Total FTA Project Budget, excluding remaining contingencies and finance charges. The contract awards have been shifted to future years due to AIS delays and the repackaging of contracts. A new baseline budget is being created. HART is still on track to maintain the March 30, 2019 full revenue service date.
28	Committed (%)	0.4%	---	---	●	53.3%	---	N/A	●	% \$M Committed of the committed Baseline FFGA Project Budget.
29	Incurred (\$M)	\$47	---	---	●	\$703	\$4,253	(\$3,550)	●	\$M Incurred (Expenditures + approved Requests for Payment) this quarter and to date vs. the current Total FTA Project Budget, excluding remaining contingencies and finance charges. The plan is based on the original program cost curve issued in 2009 and will be re-baselined in September 2013 once construction resumes. HART is still on track to maintain the March 30, 2019 full revenue service date. The amounts reflected are due in part to the construction delays.
30	Incurred (%)	1%	---	---	●	17%	---	---	●	% \$M Incurred (Expenditures + approved Requests for Payment) of the current Total FTA Project Budget, excluding remaining contingencies and finance charges.
31	Direct Cost of Delay Due to Supreme Court Decision	\$1.6	\$3.3	(\$1.7)	●	\$17.9	\$31.5	(\$13.5)	●	Direct costs incurred in \$M from AIS delay. Direct costs include equipment, manpower and subcontractor costs. Costs are already included in the incurred section above, not in addition to. Actual and plan amounts are through April 2013. Direct costs of the delay due to the Supreme Court decision are estimated at \$36.2M through September 2013.
32	Escalation Costs Related to Supreme Court Decision	\$0.0	N/A	N/A		\$0.0	N/A	N/A		Future escalation costs will be negotiated.
33	Total Cost of Delay Due to Supreme Court Decision	\$1.6	\$3.3	(\$1.7)	●	\$17.9	\$31.5	(\$13.5)	●	Actual and plan amounts are through April 2013.
34	Estimate at Completion (EAC)	N/A	N/A	N/A	●	\$5,122	\$5,122	N/A	●	\$M current vs. planned Estimate at Completion (EAC = contract values as budgeted or awarded + executed change orders + pending and potential changes).
35	Contingency									
36	Allocated Cost Contingency	\$2	\$0	+\$2	●	\$552	\$542	+\$11	●	Current Quarter = Allocated Project Contingency debited or credited for the quarter, Inception to Date = Current Budget Allocated Project Contingency vs. the Baseline Budget Allocated Project Contingency
37	Unallocated Cost Contingency	\$0	\$0	-0-	●	\$102	\$102	-0-	●	Current Quarter = Unallocated Project Contingency debited or credited for the quarter, Inception to Date = Current Budget Unallocated Project Contingency vs. the Baseline Budget Unallocated Contingency
38	Total Project Cost Contingency = Allocated + Unallocated	\$2	\$0	+\$2	●	\$654	\$644	+\$11	●	See the HART Monthly Progress Report for more detailed information on contingency. Current Quarter = Total Project Contingency usage, Inception to Date = Current Budget Project Contingency value vs. Baseline Budget Project Contingency
39	Schedule Contingency	20	20	-0-	●	20	20	-0-	●	# Months Total Buffer Float used vs. planned in the Draft FFGA Risk and Contingency Management Plan [RCMP], June 2012 (Table 6-2). HART is still on track to maintain the 2019 full revenue service date.
40	Project Compliance									
41	Programmatic Agreement (PA) [Positive = # above or added to Plan; Negative = # remaining]									
42	Overall AIS Completion (#)	---	---	N/A	●	423	395	+28	●	# trenches completed vs. planned.
43	Overall AIS Completion (%)	---	---	N/A	●	107%	---	N/A	●	% trenches completed vs. planned.
44	PROJECT DELIVERY - OVERALL									
45	Overall Progress [Positive = ahead of Late Plan; Negative = behind Late Plan]									
46	Overall Project Progress Completed	1.0%	3.0%	(2.0%)	●	12.6%	16.0%	(3.4%)	●	% Complete of Final Design and Construction contracts (FD, DBB-DBOM design levels of effort and DB, DBB, DBOM and E/E construction) actual vs. late plan. The project progress schedule will be rebaselined and the interim opening will be June 2017.
47	Overall Design Progress Completed	6.9%	4.4%	+2.5%	●	48.9%	41.2%	+7.7%	●	% Complete of Final Design contracts & DB-DBOM design levels-of-effort actual vs. late plan. During the partial temporary suspension of work on ground-disturbing activities, HART is proceeding with final design and engineering activities on awarded contracts to position the project to continue construction once the suspension is lifted following AIS completion. Design is progressing satisfactorily in support of the planned bid dates. The design progress schedule will be rebaselined and the interim opening will be June 2017.
48	Overall Construction Progress Completed	2.0%	2.9%	(0.9%)	●	7.8%	12.8%	(5.0%)	●	% Completion of Construction (DB, DBB, DBOM & E/E) contracts vs. planned. On 8/24/12, HART issued a partial temporary suspension of work for all ground-disturbing activities. HART is mitigating the cost (including equipment, overhead and personnel costs) and schedule impacts of the work suspension with the Design-Build Contractors. The construction progress schedule will be rebaselined and the interim opening will be June 2017.
49	Contracts Awarded									
50	Total Number of Contracts Awarded	1	1	-0-	●	23	23	-0-	●	The plan numbers are based off of the FTA Full Funding Grant Agreement Contract Packaging Plan (CPP) contracts. Elevators and Escalators awarded June 5 - protest delayed final execution - award amount does not include O&M
51	Total Value of Contracts Awarded	\$51	\$54.7	(\$3.7)	●	\$2,902.9	\$2,902.9	-0-	●	\$M Awarded. CPP contracts awarded to date: DBOM-920, DB-120, DB-200, DB-320, FD-140, FD-240, FD-340, FD-430, FD-440, FD-530, MM-905, MM-910, MM-900, MM-901, MM-915, MM-920, MM-921, MM-922, MM-935, MM-940, MM-946, MM-950, MM-975. Note, CORE systems includes costs of O&M.

Activity	Current Quarter (Q4 FY13)				Inception to Date				Comments and Legend	
	April, May, June 2013				January 2007 - June 2013					
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status		
52	Change Orders									
53	Change Orders (#)	6	N/A	N/A	●	68	N/A	N/A	●	# Change Orders executed this quarter (5 Construction, 1 Final Design). These change orders reflect the Notice to Proceed and AIS delays.
54	Change Orders (\$)	\$3.5	N/A	N/A	●	\$164.2	N/A	N/A	●	\$M Change Orders executed this quarter (\$3.4M Construction, \$81k Final Design). These change orders are reducing our allocated and known contingency. Significant change orders: Additional seats for rail car, revised piers to accommodate Farrington Highway future widening.
55	Claims									
56	Claims Filed	0	0	N/A	○	0	0	N/A	○	# Claims filed vs. anticipated.
57	Claims Resolved	0	0	N/A	○	0	0	N/A	○	# Claims resolved vs. filed.
58	Agreements									
59	Utility Agreements - Engineering Services	0	6	(6)	●	19	25	(6)	●	Inception to Date Plan = total number of agreements planned for the project *WOFH - all 8 agreements executed. *KHG - all 9 agreements executed. *Airport/City Center - 2 of the 8 planned are executed. The status for the overall progress is green because the only agreements needed are in the Airport/City Center areas and they do not impact the start of construction.
60	Utility Agreements - Construction Agreement	0	6	(6)	●	6	26	(20)	●	Inception to Date Plan = total number of agreements planned for the project *WOFH - 5 out of 7 agreements executed. *KHG - 1 out of 5 agreements executed. *Airport - none of the 7 planned are executed. *City Center - none of the 7 planned are executed. The status is orange due to the agreements needed for WOFH and KHG, which could delay the start of construction.
61	Total Utility Agreements	0	12	(12)	●	25	51	(26)	●	Inception to Date Plan = total number of agreements planned for the project *WOFH - 2 agreements of 15 outstanding. *Airport/City Center ESA - 2 of 8 agreements executed. *KHG - 4 agreements of 14 outstanding. *Airport Construction- no agreements executed. *City Center Construction- no agreements executed. The status is based on the potential for construction to be delayed. Status for the Current Quarter has changed from white to yellow; status for Inception to Date has changed from green to yellow.
62	HDOT Master Agreements/Joint Use & Occupancy	0	1	(1)	●	1	2	(1)	●	Inception to Date Plan = total number of agreements planned for the project *Only WOFH agreement has been executed. HART is working with HDOT on a combined Master Agreement for KHG, Airport and City Center sections. The status is red because the combined HDOT Master Agreement includes KHG, which could impede the start of construction. Status for Current Quarter has changed from white to red; status for Inception to Date has changed from orange to red.
63	Other Agreements	0	5	(5)	●	3	17	(14)	●	Inception to Date Plan = total number of agreements planned for the project Agreements needed for the project (bold, red items are high priority agreements): WOFH, KHG, City Center: *University of Hawaii Master Agreement WOFH: *Leeward Community College Sub-agreement *UH West Oahu Sub-agreement *Department of Land and Natural Resources *Department of Education Master Agreement and Consent to Construct -- COMPLETED *D.R. Horton Agreement for Construction -- COMPLETED *DHHL MOU -- COMPLETED *DHHL Consent to Construct -- COMPLETED *DHHL License or Property Transfer KHG: *UH Urban Garden Sub-Agreement *Aloha Stadium/Department of Accounting & General Services (DAGS) Airport: *U.S. Navy/General Services Administration (GSA) *U.S. Post Office Honolulu Processing Center City Center: *Honolulu Community College (HCC) Sub-agreement *Federal Court House/GSA *Hawaii Community Development Agreement *DAGS The status is based on the agreements needed for WOFH and KHG, which could impact the start of construction.

Project Progress (Continued)

Activity	Current Quarter (Q4 FY13)				Inception to Date				Comments and Legend	
	April, May, June 2013				January 2007 - June 2013					
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status		
64	Real Estate/Right-of-Way (ROW)									
65	<i>Acquisitions</i>									
66	WOFH Full Acquisitions	0	1	(1)	●	13	14	(1)	●	Inception to Date Plan = total number needed for project *Eminent domain on remaining parcel is proceeding through court.
67	WOFH Partial Acquisitions	0	3	(3)	●	6	10	(4)	●	Inception to Date Plan = total number needed for project *Finalizing agreements for three partial acquisitions. One partial acquisition for West Loch Station is in the appraisal process.
68	Summary WOFH Acquisitions (Full + Partial)	0	4	(4)	●	19	24	(5)	●	Inception to Date Plan = total number needed for project
69	KHG Full Acquisitions	1	1	-0-	●	3	3	-0-	●	Inception to Date Plan = total number needed for project *All property is available to contractors.
70	KHG Partial Acquisitions	0	7	(7)	●	0	7	(7)	●	Inception to Date Plan = total number needed for project *Eminent domain on one partial is proceeding through the courts and two partials are in negotiations. Agreements for three partials are pending.
71	Summary KHG Acquisitions (Full + Partial)	1	8	(7)	●	3	10	(7)	●	Inception to Date Plan = total number needed for project
72	Airport Full Acquisitions	1	4	(3)	●	1	4	(3)	●	Inception to Date Plan = total number needed for project *Three remaining full acquisitions are in negotiations.
73	Airport Partial Acquisitions	0	0	-0-	●	1	35	(34)	●	Inception to Date Plan = total number needed for project *Five parcels in appraisal process and agreements for remaining parcels are pending.
74	Summary Airport Acquisitions (Full + Partial)	1	4	(3)	●	2	39	(37)	●	Inception to Date Plan = total number needed for project
75	City Center Full Acquisitions	0	0	-0-	●	6	17	(11)	●	Inception to Date Plan = total number needed for project *All property acquisition activities on hold per injunction.
76	City Center Partial Acquisitions	0	0	-0-	●	0	81	(81)	●	Inception to Date Plan = total number needed for project *All property acquisition activities on hold per injunction.
77	Summary City Center Acquisitions (Full + Partial)	0	0	-0-	●	6	98	(92)	●	Inception to Date Plan = total number needed for project
79	Expenditures for Full Acquisitions	\$6.1	\$8.6	(\$2.5)	●	\$42.5	\$45.4	(\$2.9)	●	\$M in expenditures recorded for full acquisitions vs. planned in the FFGA Budget.
86	<i>Easements</i>									
87	Summary Easements	0	4	(4)	●	3	13	(10)	●	Inception to Date Plan = total number needed for project *Easements are in progress, except for five planned easements in the City Center Section.
88	Safety									
89	Performance against Standard	0	0	-0-	●	0.6	4.05	----	●	Incidence rate of Recordable Injuries and Illnesses vs. the Average Hawaii Total Recordable Incidence Rate (TRIR) 2007-2011. Federal regulations define the Incidence Rate as the # of recordable injuries and illnesses occurring amongst a given # of full-time workers (usually 100) over a given period of time (usually 1 year). A Recordable Incident is a work-related injury or illness that results in: death, loss of consciousness, days away from work, restricted work activity or job transfer, or medical treatment beyond first aid. (29 CFR 1904).
90	OSHA Recordable Injuries	0	0	-0-	●	4	0	(4)	●	# Occupational Safety and Health Agency (OSHA) Recordable Injuries to date. The status is green as inception to date performance is below Hawaii rates.
91	OSHA Violations	0	0	-0-	●	0	0	----	●	# OSHA violations to date.
92	Quality Assurance (QA)									
93	Completion of QA Audits	5	5	-0-	●	23	20	+3	●	# QA Audits of HART, GEC, contractors and suppliers completed vs. planned.
94	Successful Closure of Design NCRs	3	3	-0-	●	8	8	-0-	●	# Design Non-Conformance Reports (NCRs) closed vs. issued.
95	Successful Closure of Construction NCRs	1	1	-0-	●	59	67	(8)	●	# Construction NCRs closed vs. issued. The variance is due to the construction work suspension. The 8 open items will be closed when construction commences. Status for the Current Quarter has changed from white to green; status of Inception to Date has changed from white to yellow.
96	Economic Multipliers [Negative = below plan]									
97	DBE Participation (%)	0.035%	0.13%	-0.095%	●	0.39%	13%	-12.61%	●	% actual vs. target participation rate of Disadvantaged Business Enterprises (DBE). The planned DBE participation rate is an overall project goal.
98	DBE Participation (\$)	\$0.62	\$2.34	(\$1.72)	●	\$6.92	\$234	(\$227.08)	●	\$M actual vs. target participation of DBE. The planned DBE participation rate is an overall project goal.
99	Public Outreach									
100	Build a Social Media Community	49	----	N/A	●	1,752	----	N/A	●	# of unique Facebook followers.
101	Proactive Community Outreach: Neighborhood Board Meetings	25	----	N/A	●	767	----	N/A	●	# Neighborhood Board Meetings in which HART has participated to date since 2006.
102	Proactive Community Outreach: Presentations/Events	38	----	N/A	●	1,451	----	N/A	●	# Events in which HART has participated to date since 2006.

Project Progress (Continued)

	Activity	Current Quarter (Q4 FY13)				Inception to Date				Comments and Legend
		April, May, June 2013				January 2007 - June 2013				
		Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	
103	PERSONNEL									<ul style="list-style-type: none"> ● On track or ahead of plan. ● Immediate attention needed; Requires recovery/resolution. ● Monitoring. No current target/activity to date; Action pending. ● Monitoring; Requires special attention. N/A Not Applicable. TBD To be determined.
104	HART Staffing Level	12	2	+10	●	132	139	(7)	●	# Current HART Full-Time Equivalents (FTEs) vs. planned positions in the FY13 Operating Budget. 132 current FTEs. This includes 110 City employees and 22 Project Management Support Consultant (PMC) employees. The actual number reported in the Current Quarter reflects all new hires for the quarter.
105	Direct Construction Jobs Created	----	----	----	○	----	----	----	○	# Direct construction jobs created. Projections and criteria to be developed.
106	Transit-Oriented Development (TOD) Planning									
107	City Department of Planning and Permitting TOD Plans	0	2	N/A	●	0	19	N/A	●	City Department of Planning and Permitting (DPP) has responsibility for TOD plans for 19 of the 21 stations. A total of 13 stations have final draft TOD neighborhood plans at this time.
108	Hawaii Community Development Authority TOD Plans	0	0	N/A	●	0	2	N/A	●	Two additional stations are in HCDA and not part of the DPP planning.
109	Total Stations with Approved TOD Plans	0	2	N/A	●	0	21	N/A	●	TOD plans are being created for 21 stations.
110	SERVICE DELIVERY									
111	Platform Screen Gates				○				○	Submittal anticipated during FY14.
112	Fare Collection System				○				○	TBD in FY14.
113	Bus-Rail Integration Plan				○				○	TBD
114	HART Operating Organization Plan				○				○	TBD
115	HART Service Policy/Standards				○				○	TBD
116	LIVABILITY									
117	HART Sustainability Policy				○				○	TBD in FY14.
118	Transit-Oriented Development (TOD) Policy				○				○	TOD stakeholders group in development.

Honolulu Authority for Rapid Transportation Annual Report for Fiscal Year 2013

Carrie Okinaga, Chair
Ivan Lui-Kwan, Vice-Chair
Robert Bunda
William Hong
Donald Horner
Keslie Hui
Damien Kim
George Atta, Ex-Officio
Michael Formby, Ex-Officio
Glenn Okimoto, Ex-Officio

Daniel Grabauskas, Executive Director and Chief Executive Officer
Brennon Morioka, Deputy Executive Director

POWERS, DUTIES AND FUNCTIONS

The Honolulu Authority for Rapid Transportation (HART) is authorized to develop, operate, maintain, and expand the high-capacity fixed guideway rapid transit system of the City and County of Honolulu. Among its responsibilities are directing the planning, design, and construction of the fixed guideway system, and operating and maintaining the system; preparing and adopting annual operating and capital budgets; applying for and receiving grants of property, money and services, and other assistance for capital or operating expenses; making administrative policies and rules to effectuate its functions and duties; and to promote, create, and assist transit-oriented development (TOD) projects near fixed guideway system stations that promote transit ridership.

ORGANIZATION

The HART Board of Directors presides over and is the policy-making body of HART. Ten members comprise the Board: three appointed by the Mayor; three appointed by the City Council; three ex-officio members who serve in their capacities as the Director of the State Department of Transportation (DOT), Director of the City Department of Transportation Services (DTS), and Director of the City Department of Planning and Permitting (DPP); and one member appointed by the Board of Directors. The Director of DPP is the only non-voting member. Since July 1, 2011, the HART Board has conducted over 100 public board and committee meetings.

The Board appoints the Executive Director and CEO, who provides leadership and direction for the authority while supervising HART's day-to-day business activities.

HART is comprised of the following divisions:

- **Budget and Finance** – ensures that HART’s financial resources are efficiently and effectively managed by providing support for all of HART’s financial and fiscal functions, including general accounting, grants and Federal funding management, accounts payable, planning and analysis, inventory, fixed assets, procurement, and risk management.
- **Planning, Utilities, Permits, and Right of Way** – responsible for implementing the Honolulu Rail Transit Project (HRTP or Project) as described in the Record of Decision for the Project, which includes all committed mitigation measures; formulating, negotiating and executing utility agreements between HART and private utility owners; obtaining all permits that HART is contractually required to obtain; and carrying out all land acquisition activities required for the Project, including relocations.
- **Engineering and Construction** – the largest division, responsible for planning, designing, and building the HRTP.
- **Operations and Maintenance** – ensures effective operability, maintainability, customer service, and cost effectiveness in operations and maintenance through oversight of the Core Systems Provider and HART staff.
- **System Safety & Security** – establishes and implements policies and procedures for systemwide safety and security according to applicable laws and guidelines from design through operations.
- **Quality Assurance** – develops and ensures implementation of the Quality Management Plan for HART and its contractors.
- **Public Information** – provides comprehensive strategic and educational communication services and support to HART, including communication with key stakeholder groups such as the general public, community/advocacy groups, neighborhood boards, business/community leaders, impacted residents and businesses, and the media.
- **Civil Rights** – administers various civil rights and related programs to ensure compliance with applicable laws, including the Equal Employment Opportunity (EEO) program and the Disadvantaged Business Enterprise (DBE) program.
- **Government Relations** – formulates and recommends strategy to guide HART’s local legislative and regulatory initiatives; identifies issues which may impact the HRTP, including existing and proposed local legislation; assists senior management in providing appropriate input and responses; and acts as a liaison and representative of HART with City and County, State and Federal government entities.
- **Administrative Services** – provides overall Project and administrative oversight to include human resources, administrative services, and information technology.

ACCOMPLISHMENTS

OVERVIEW: CHALLENGES AND OPPORTUNITIES

Fiscal Year 2013 (FY 13) HART's second year of existence, brought a number of significant challenges, as well as opportunities. During the year, the HART Board of Directors, staff, and consultant team made progress toward achieving the vision of bringing rapid transportation to Oahu despite the challenges.

The biggest challenges faced by HART during the past year were undoubtedly those posed by delays arising from litigation. In August 2012, the Hawai'i Supreme Court decision in *Kaleikini v. Yoshioka* resulted in the temporary suspension of all construction activities. In December 2012, the U.S. District Court ruling in *Honolulutraffic.com v. FTA* resulted in a temporary injunction on construction activities in the City Center section of the Project, which had already been halted by the *Kaleikini* decision. The U.S. District Court decision also suspended real estate acquisition activities in the City Center section. HART's main challenge in FY 13 was to comply with the court rulings while mitigating their effects so as to fulfill the agency's mission of delivering the Project on time and within budget.

Although the Hawai'i Supreme Court ruling stopped construction, HART staff and contractors continued engineering and design work for the guideway, stations, and Maintenance and Storage Facility. Right-of-way acquisitions were also continued (except for the City Center section). All residential properties required for the Project have been acquired without condemnation, and relocations are nearly completed. All of the running rail needed for the project – 8,735 tons – was rolled, shipped and received by HART, allowing it to take advantage of lower steel costs.

Even with respect to the work that was affected by the Hawai'i Supreme Court ruling, HART Executive Director and CEO Dan Grabauskas was able to turn obstacles into opportunities. He accelerated the Archaeological Inventory Survey (AIS) activities undertaken to comply with the *Kaleikini* decision, completing the fieldwork two months ahead of schedule. As a result, the design work for the guideway has been better informed by the AIS effort, and HART is able to design the guideway around the seven *'iwi kūpuna* (Native Hawaiian burials) found. In addition, during the AIS work, a cultural monitoring program was developed, which engaged cultural descendants and community members in an effort to be respectful and mindful of potential archaeological finds. This program will serve as a model for the remainder of construction. HART staff continues to consult with the cultural descendants, State Historic Preservation Division (SHPD), and the O'ahu Island Burial Council to determine the disposition of the *'iwi kūpuna* discovered.

Managing relationships with HART's contractors, primarily Kiewit Infrastructure West Company (KIWC), was also important in mitigating the economic impacts of the

construction delay. HART staff reported regularly to the Board on their work with Project contractors to reduce construction suspension costs through cooperative negotiation. The result has been monthly delay costs which are well below the initially projected cost of \$7-10 million per month. Mr. Grabauskas' goal is to have all delay costs resolved before construction is resumed. By expediting the required work, and with the cooperation of other agencies and private partners, HART anticipates that construction will resume this fall, and that it will be able to preserve the 2019 opening date for revenue service.

HART also continued to look ahead, while actively carrying out Mayor Kirk Caldwell's "Build Rail Better" initiative. In April, the HART and Oahu Transit Services (OTS) Boards of Directors met for the first time to establish a joint working group, which will explore synergies and efficiencies in building, maintaining, and operating the HRTP, as well as bus/rail multimodal opportunities.



Mayor Kirk Caldwell addresses the joint meeting of the Oahu Transit Services and HART Boards of Directors.

BUDGET AND FINANCE

Budget

The FY 13 Operating and Capital Budgets for HART's second year of existence were submitted to Mayor Peter Carlisle and the City Council for their consideration and input. The budgets did not include any request for City general fund monies. However, the Operating Budget included funds for reimbursement to the City's general fund for staff support from various city departments and Central Administrative Services expense. The budgets were adopted by the Board on June 28, 2012 in the following amounts:

Operating Budget	\$ 21,069,193
Capital Improvement Budget	<u>491,584,960</u>
Total FY 13 Approved Budget	\$512,654,153

Ever mindful of the authority's fiscal responsibility to the taxpayers of the City and County of Honolulu, the Board authorized a reduction of the proposed FY 13 Operating Budget by \$1.5 million, and reduced staffing by three full-time positions.

Funding

Local funding for the H RTP from the one-half percent (0.5 percent) General Excise and Use Tax (GET) county surcharge totaled \$1.029 billion from January 2007 through April 2013. GET surcharge revenues from the Full Funding Grant Agreement (FFGA) Financial Plan start date of October 2009 through April 2013 were \$650.8 million, or 19.8% of the \$3,291 million total expected for the entire Project.

The H RTP reached its most significant financial milestone to date on December 19, 2012, when the \$1.55 billion FFGA with the Federal Transit Administration (FTA) was executed. Members of the Hawai'i Congressional delegation – Senator Daniel Akaka, Representative Mazie Hirono, and Representative Colleen Hanabusa – were present to commemorate the historic occasion, along with U.S. Secretary of Transportation Ray LaHood, FTA Administrator Peter Rogoff, Mayor Peter Carlisle, City Council Chair Ernest Martin, Councilmember Ikaika Anderson, and Mr. Grabauskas. Notably absent, however, was the late Senator Daniel Inouye, whose vital, steadfast support of the Project will be sorely missed, and whose passing will be felt for years to come.

Since execution of the FFGA, the Project has received \$80.3 million through May 2013, bringing the total federal funding received to date for the H RTP to \$147.8 million.

U.S. Secretary of Transportation Ray LaHood, U.S. Representative Colleen Hanabusa, U.S. Senator Daniel Akaka, FTA Administrator Peter Rogoff, U.S. Senator Mazie Hirono, Honolulu Mayor Peter Carlisle, Mrs. Irene Inouye, Honolulu Councilmember Ikaika Anderson, Honolulu Council Chair Ernest Martin, and HART Executive Director and CEO Daniel Grabauskas commemorate the signing of the FFGA in December 2012.



PLANNING, UTILITIES, PERMITS, RIGHT OF WAY

Planning and Environment

The Planning and Environment division played a critical role this past year, particularly in complying with the decisions in the *Kaleikini* and *Honolulutraffic.com* lawsuits. Following the *Kaleikini* decision in August 2012, the division focused on completing the AIS fieldwork and reporting for the Airport and City Center sections of the Project under an accelerated schedule. Trenchwork was completed two months ahead of schedule, with seven *‘iwi kūpuna* finds in City Center. This phase of the AIS included the inception of the heretofore mentioned cultural monitoring program. The AIS reports for both the Airport and City Center sections were also completed, as a result of an expedited drafting schedule and concentrated coordination with the State Historic Preservation Division (SHPD). HART staff continues to work with recognized cultural descendants, SHPD, and the O‘ahu Island Burial Council. Flexibility in design options allows HART to commit to preserving in place all seven *‘iwi kūpuna* found during the City Center AIS, if that is the desired outcome from the descendants.

As ordered by the U.S. District Court in *Honolulutraffic.com*, the division worked with the FTA to produce a Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation, which is a limited scope document evaluating the feasibility and prudence of the Beretania Street Tunnel Alternative and reconsidering the “no use” determination for Mother Waldron Neighborhood Park. The Notice of Availability was published in the Federal Register on June 7, 2013, commencing a 45-day review period.

Pursuant to the *Honolulutraffic.com* decision, the division also worked with the FTA to complete the Traditional Cultural Properties Study for the City Center section of the Project. TCP studies for the other three Project sections had previously been completed. The technical studies were completed and made available for public review and comment, with the Determination of Availability and Finding of Effect documentation to follow.

The Section 106 Programmatic Agreement for the Project includes actions that HART has committed to undertake to mitigate Project impacts on historic resources. Activities in FY 13 include work on the historic database, National Register nominations, Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey documentation, and the Historic Preservation Fund.

Following HART’s City Charter mandate to “promote, create and assist transit oriented development projects near fixed guideway system stations that promote transit ridership, and are consistent with the intent of the adopted community plans and zoning,” HART staff continued to provide technical support to other entities, including DPP, which has primary responsibility for developing TOD neighborhood plans and zoning regulations for station TOD areas. Other partners include the DTS, the Honolulu Community Development Authority, and State Office of Planning. In addition, the Board

established a TOD Stakeholders Advisory Group to facilitate information exchanges related to TOD and offer guidance in advancing TOD. Stakeholders include members of both the private and public sectors.

Utilities

During FY 13, the Utility division executed interim bridge agreements with Hawaiian Electric Company, Inc. (HECO) for the Airport and City Center sections, which allow the designers and HART to coordinate with HECO in advance of a combined engineering and construction agreement for utility relocations. In addition, HECO will perform the utility relocation construction work for the entire Project. Also, two of eight Engineering Service Agreements (ESA) with utilities for the Airport and City Center sections were executed. The division also issued draft Utility Construction Agreements to Sandwich Isles Communications, Inc., and Hawaiian Telcom, Inc., in the WOFH section, and to all utilities in the Kamehameha Highway Guideway (KHG) section. Lastly, the division received commitments from seven third party utilities to comply with Buy America requirements.

Right of Way

The Right of Way division continued its efforts in FY 13 on acquisitions and relocations in all sections of the Project alignment. Acquisitions included full and partial acquisitions, as well as acquisitions of easements. The December 2012 ruling in the *HonoluluTraffic.com* case enjoined real estate acquisition activities in the City Center section of the Project.

Status of Right of Way Acquisitions

<i>Section</i>	Original # Parcels in FEIS	Current # Parcels Needed	Ready for Construction	Agreements In Process	Appraisals in Process	Offers	Acceptance	Relocations Complete (Exceed Parcels)
FULL ACQUISITION								
Total	40	37	18	0	1	5	4	40
<i>WOFH</i>	14	14	13	0	0	1	0	30
<i>KHG</i>	5	3	3	0	0	0	0	4
<i>Airport</i>	5	5	0	0	0	3	1	0
<i>City Center</i>	16	16	2	0	1	1	3	6
PARTIAL ACQUISITION								
Total	163	134	7	8	2	4	2	0
<i>WOFH</i>	18	10	6	2	1	0	0	0
<i>KHG</i>	21	7	0	4	0	3	0	0
<i>Airport</i>	31	35	1	2	1	0	0	0
<i>City Center</i>	93	82	0	0	0	1	2	0
EASEMENTS								
Total	12	13	3	4	0	0	0	0
<i>WOFH</i>	6	6	3	3	0	0	0	0
<i>KHG</i>	0	1	0	1	0	0	0	0
<i>Airport</i>	1	1	0	0	0	0	0	0
<i>City Center</i>	5	5	0	0	0	0	0	0
GRAND TOTAL	215	184	38	12	3	9	6	40

FEIS=Final Environmental Impact Statement, WOFH = West Oahu/Farrington Highway, KHG = Kamehameha Highway Guideway

ENGINEERING AND CONSTRUCTION

As of the end of May 2013, the start of full revenue service for the HRTTP is forecasted for March 2019, a full ten months ahead of the FTA's targeted January 31, 2020 Project completion date. As of the end of April 2013, the Project is at 13% of overall completion.

Engineering and Design

WOFH Guideway – KIWC, the design-build contractor on the WOFH section, has largely completed the section design. Utility relocations and guideway column construction continued up until the construction suspension in August 2012. As of the date of suspension, a total of 16 columns were completed and 45 foundation shafts had been drilled. Taking into account the suspension of activities, substantial completion of the WOFH section is expected in early 2016.

Maintenance and Storage Facility (MSF) – Kiewit/Kobayashi Joint Venture (KKJV), the design-build contractor for the MSF, has largely completed the design. Mass grading will commence once the construction suspension is lifted. The MSF will be substantially complete at the end of 2015.

KHG – KIWC has largely completed the design. Utility relocations and foundation test and method shafts will recommence once the construction suspension is lifted. The KHG section is scheduled to be substantially complete by mid-2016.

The HRTTP train design was unveiled by AHJV in March 2013.



Core Systems – Ansaldo Honolulu Joint Venture (AHJV) is the design-build-operate-maintain contractor for the core systems contract and is responsible for the design, construction, and delivery of 80 train vehicles and train control systems, which it will also operate and maintain over a 14-year period. The design is 20% complete, with AHJV interfacing with the other fixed facility contractors on MSF, alignment, and station issues. A recent change to the train car design is the addition of 800 seats,

representing 25% in carrying capacity, which was approved by the HART Board in response to public feedback. The contract calls for the delivery of the first 16 vehicles beginning in 2015.

West Oahu Station Group – URS continued design in FY 13 of the East Kapolei, UH West Oahu, and Ho‘opili stations. Design progress is 65% complete and is scheduled to be finished in the fall of 2013.

Farrington Highway Station Group – HDR continued the design of the West Loch, Waipahu Transit Center, and Leeward Community College stations. Design progress is nearing completion and community meetings have taken place to discuss the stations.

Kamehameha Station Group – Anil Verma Associates continued the design of the Pearl Highlands, Pearlridge and Aloha Stadium stations. Design progress is at 30% and is scheduled to be complete at the end of 2013.

Airport Station Group – AECOM Technical Services, Inc. (AECOM) continued the design of the Pearl Harbor, Airport, Lagoon and Middle Street stations. Design progress is at 30% and is scheduled to be complete at the end of 2013.

Airport and City Center Section Guideway and Utilities – AECOM continued its efforts for the Airport Guideway and Utilities and City Center Guideway and Utilities design. Design progress is at 50% and is scheduled to be completed in mid-2014. Agreement was reached with DOT Highways and Airports Divisions on the alignment and station location through the airport area. Coordination with developers around the Civic Center, Kaka‘ako and Ala Moana stations is ongoing.

Art in Transit Program

HART received more than 400 submittals following a June 2013 call for artists for its \$5 million Art in Transit public art program, which will highlight artwork reflecting Hawaii’s history and culture. Station artwork opportunities will range from paving and floor designs to wall murals, grille work and architectural fencing, to glass work and integrated sculptural elements. Approximately 25 pieces of art will be displayed at the 21 stations along the rail route and at the MSF. Submittals will be reviewed by a transit art committee.

OPERATIONS AND MAINTENANCE

The Operations and Maintenance department is currently staffed only by the Director of Operations and Maintenance. In the design and construction phase, it is the responsibility of the Director to review all aspects of the Project from the operations and maintenance perspective to make recommendations on ways to improve service, operability, maintainability, customer service, and cost effectiveness. This includes coordination, interface, and review of core systems, stations, rail vehicles, MSF, fixed facilities, and design and construction. As the Project moves into revenue service, it will

be the responsibility of the department to oversee the operations and maintenance portion of the AHJV core systems contract, as well as provide for maintenance on the portions of the system that will be the responsibility of HART such as guideway and fixed facility inspection and maintenance.

SYSTEM SAFETY AND SECURITY

The System Safety and Security Department focused its efforts in FY13 on Safety and Security Certification (SSC), which is required by the FTA. It ensures that all federal, state and local codes, Occupational Safety and Health Administration, State of Hawai'i Occupational Safety and Health Division, and National Fire Protection Association requirements are followed at the time of commission. Headed by a new Safety and Security Officer with more than 30 years of experience in this field, the department conducted SSC training for HART staff and contractors, and established an online system to facilitate the certification process. The Safety and Security team also finalized the Threat and Vulnerability Assessment for the system and the airport, which is a high level security document used by law enforcement agencies. Additionally, the team worked with the State Department of Transportation to hire a consultant to develop the FTA-required State Oversight Plan. Discussions with the Honolulu Police Department have begun on the Project's need for security and policing, including close coordination with other law enforcements agencies such as the Federal Bureau of Investigation and Transportation Security Administration.

QUALITY ASSURANCE

The HART-established Quality Assurance (QA) system was effectively implemented by the Quality Assurance Department during the past year. The Quality Management Plan, which establishes and documents the guidelines and goals of the QA system, was revised to describe the transition from the City Rapid Transit Division of the Department of Transportation Services to HART, and to incorporate FTA's comments for the FFGA.

The major focus of QA activities included performing QA audits and surveillances, mentoring and training appropriate staff to ensure that suitable proficiency is achieved and maintained, and participating in Quality Task Force meetings with general engineering consultant Parsons Brinckerhoff, contractors, and consultants. The Quality Assurance team also reviewed, approved, and monitored the Quality Assurance Plans required of all contractors, consultants and suppliers.

PUBLIC INFORMATION

In FY 13, the Public Information Department successfully executed key communications initiatives that enhanced public awareness and increased public confidence and support for the Project. HART's outreach efforts included multiple strategies, such as:

- Press conferences, news releases and media interviews

- Presentations at community and business meetings
- Outreach booths at community events
- A 24-hour project hotline to answer questions, address concerns and receive public input
- Weekly eBlasts sent via email with the latest project information
- Weekly traffic advisories
- Using the project's website to share stories, videos, upcoming events and important project documents and information
- Social media, including Facebook and Twitter
- A monthly public access television program with project news and updates
- Monthly print ads to keep the public updated on the project's finances



HART's Lois Hamaguchi, Board of Directors Vice-Chair Ivan Lui-Kwan, and Executive Director and CEO Dan Grabauskas participate in the West Oahu Career Fair.

The department's outreach team participated in more than 300 community meetings, workshops, presentations and events in FY 13, connecting with businesses and residents islandwide. These efforts included successfully involving HART's new Executive Director and CEO with the community. The communications team also successfully led media efforts around several milestones and key issues. In addition, the team partnered with the Mayor's office and City Council leaders to publicize and educate the public about initiatives to "Build Rail Better." The department also continued to work closely with seniors and those with disabilities, recognizing that these groups comprise a quarter of the existing bus ridership and will be an important segment of passengers for our rail system.

The department also maintained its strong construction outreach program, partnering with project contractors to educate the public about field work, public safety during construction and traffic impacts on the surrounding communities. Maintaining these contacts will be essential when construction resumes.

CIVIL RIGHTS

HART's DBE program and Project goal of 13% were approved by the FTA in July 2012. The DBE goal will be reevaluated each calendar year until the Project is completed. The Project goal represents approximately \$234 million in contract commitments to DBEs over the course of the Project. In FY 13, the Civil Rights Department staff focused on emphasizing HART's full commitment to a successful DBE effort by working directly with contractors and prospective DBE participants and monitoring DBE participation.

HART's EEO program received final approval from the FTA in October 2012. HART actively ensures that no person shall, on the grounds of race, color, creed, national origin, sex, disability, or age, be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through federal assistance. HART employs a proactive approach to recruiting by attending and sponsoring job fairs, posting job openings on the appropriate websites, and disseminating employment-related information to minority and female community organizations. HART will continue to actively solicit and encourage female and minority individuals to apply for open positions in anticipation of future hiring needs.

GOVERNMENT RELATIONS

During the 2013 State legislative session, the Government Relations Department tracked nearly 50 legislative initiatives of interest to HART relating to the GET surcharge, Oahu Metropolitan Planning Organization, administrative procedures, economic development, environmental impact statements, contracts, and procurement. The department also worked closely with the City Council and its committees to enable close coordination and communication on the Project.

ADMINISTRATIVE SERVICES

In FY 13, the Administrative Services department worked to fill the 139 full time positions provided for in the FY 13 Operating Budget. 110 of these positions were filled at the end of the fiscal year with City employees and another 22 of these positions were filled by the Project Management Support Consultant (PMSC). The staffing level is designed to ensure that HART has the technical capacity and capability to manage the implementation of the H RTP and meet the requirements of the FTA for managing major New Starts projects. The department also continued to provide support to the Project in the areas of information technology and overall administrative services.

LITIGATION

Kaleikini v. Yoshioka, et al., SCAP-11-0000611, Supreme Court, State of Hawai'i. On August 24, 2012, the Hawai'i Supreme Court issued its ruling in the lawsuit filed by Plaintiff Paulette Kaleikini to challenge the approval of the Final Environmental Impact

Statement as well as other approvals for the Project. Plaintiff alleged various State law violations but primarily alleged that an AIS on the entire 20-mile Project alignment was required to be completed before construction could commence in any section. Instead, as the Project was proposed to be built in four sections, HART planned to complete the AIS for each section prior to any construction taking place in that section. The case involved both City and State of Hawai'i defendants. The Circuit Court had previously determined that the phased approach for AIS completion proposed for the Project met applicable State law requirements. Plaintiff filed an appeal, and the case was eventually transferred to the Hawai'i Supreme Court. In its August 24th ruling, the Supreme Court held that pursuant to Hawai'i Revised Statutes Chapter 6E and the corresponding administrative rules, an AIS must be completed and approved for an entire project prior to project commencement, effectively halting Project construction that had begun. The Supreme Court later ruled that Plaintiff was entitled to certain fees and costs for the appeal portion of the litigation, and remanded the case to the Circuit Court for further proceedings. The parties entered into a stipulated agreement to resolve remaining issues, and this was approved by the Circuit Court on June 19, 2013.

HonoluluTraffic.com, et al., v. Federal Transit Administration, et al., Case No. 11-00307 AWT, United States District Court for the District of Hawai'i.

In May 2011, Plaintiffs filed a lawsuit against federal and City Defendants alleging that the Defendants violated federal law in approving the Project by (1) improperly studying only the first 20 miles of the Project from East Kapolei to Ala Moana Center and not the full route to Waikiki and the University of Hawaii at Manoa, (2) not properly considering alternatives to the Project, (3) not studying potential native Hawaiian burial sites prior to approval of the Project, and (4) failing to comply with Section 4(f) of the federal Department of Transportation Act which prohibits the approval of a federally-funded transportation project that "uses" recreational or historic sites unless there is no prudent and feasible alternative to using that land, and the Project includes all possible planning to minimize harm to the site. Oral argument was held before Judge A. Wallace Tashima on August 21, 2012 on the parties' competing Motions for Summary Judgment. On November 1, 2012, the Judge granted Plaintiffs' motion with respect to three Section 4(f) claims and granted the Defendants' motion with respect to 54 other issues and claims. On December 27, 2012, Judge Tashima issued a further ruling, which remanded the matter to the FTA for additional studies and analyses on the three Section 4(f) matters, and enjoined construction and real estate acquisition activities in the City Center section of the Project. The Plaintiffs appealed the District Court's rulings to the Ninth Circuit Court of Appeals on February 11, 2013. Following various motions by both sides, a briefing schedule was established for the appeal, and oral argument has been set for August 15, 2013 in San Francisco.

Bombardier Transportation (Holdings) USA Inc. v. Director, Department of Budget and Fiscal Services, et al., Case No. CAAP-11-0000756, Intermediate Court of Appeals, State of Hawai'i.

On October 17, 2012, the Intermediate Court of Appeals issued its decision affirming the decision of the Circuit Court, which upheld Bombardier's disqualification from the

Core Systems Contract procurement. Bombardier did not attempt to further appeal this decision.

CONCLUSION

With the support of many partners, HART accomplished much during the past fiscal year, despite facing tremendous challenges. As challenges are met and construction resumes, HART will continue to strive to build rail better, and complete the project on time and within budget.

DRAFT