



HONOLULU AUTHORITY for RAPID TRANSPORTATION

## MINUTES

**Board of Directors Meeting  
Kapolei Hale, Conference Room B  
1000 Uluohia Street, Kapolei  
Thursday, September 26, 2013, 10:00 A.M.**

**PRESENT:**

Ivan M. Lui-Kwan	Michael D. Formby
Donald G. Horner	Damien T.K. Kim
Carrie K.S. Okinaga	Robert "Bobby" Bunda
William "Buzz" Hong	

**ALSO IN ATTENDANCE:  
(Sign-in Sheet and Staff)**

Brennon Morioka	Jacie Katsuda
Gary Takeuchi	Russell Honma
Joyce Oliveira	Lorenzo Garrido
Andrea Tantoco	Rick Stead
William Brennan	Scott Ishikawa
Cindy Matsushita	

**EXCUSED:**

Glenn M. Okimoto	George I. Atta
Keslie W.K. Hui	

**I. Call to Order by Chair**

HART Board of Directors Chair Ivan Lui-Kwan called the meeting to order at 10:12 am.

**II. Public Testimony on All Agenda Items**

Mr. Lui-Kwan called for public testimony.

Beth Davidann of the Coalition for a Tobacco-Free Hawaii provided both written and verbal testimony supporting HART's Smoke-Free Policy, and praised its prohibition of electronic smoking devices (ESDs). Ms. Davidann's testimony is attached hereto as Attachment A. Board member Carrie Okinaga asked whether ESDs were included in the City's smoking prohibition, and Ms. Davidann replied that they were not. Ms. Davidann explained that there is no scientific evidence that ESDs are safer than cigarettes, and they are not regulated. She said that the State of Hawaii has prohibited sales of ESDs to minors. Board member Michael Formby added that the smoking of ESDs is prohibited on buses.

III. Approval of Minutes of the August 15, 2013 Board of Directors Meeting

Mr. Lui-Kwan stated that there was a suggested change to the August 15, 2013 minutes. Board Administrator Cindy Matsushita read the suggested edit. There being no objections, the minutes were unanimously adopted.

IV. Committee Reports

A. Report on the September 5, 2013 Joint Meeting of the Finance and Project Oversight Committees

Board member Damien Kim reported that the joint Finance and Project Oversight Committees heard and approved change orders related to rebar notice to proceed delays, insurance coverage requirements, and platform screen gates. He also reported that the committee heard a presentation about the resumption of construction.

B. Report on the September 26, 2013 Transit Oriented Development Committee Meeting

Board member William "Buzz" Hong reported that the Transit Oriented Development (TOD) Committee heard a presentation by the Hunt Corporation on its strategic implementation plan for the Kalaeloa area.

V. Discussion on Balanced Scorecard

HART Deputy Executive Director Brennon Morioka stated that as Executive Director and CEO Dan Grabauskas was under the weather, he would be serving in Mr. Grabauskas' stead. He said that HART staff would continue to solicit input on the Balanced Scorecard from the Board, a copy of which is attached hereto as Attachment B. Staff had received some comments, but was soliciting further comments.

Mr. Lui-Kwan said that the Balanced Scorecard is continually changing and becoming more informative and easier to understand. Ms. Okinaga asked about the master schedule. Mr. Morioka said that the master schedule should be complete in October. Ms. Okinaga asked about the orange status of third-party agreements, and Mr. Morioka said that significant progress had been made in the last month regarding the agreements. He said that staff continues to work with the University of Hawaii, Department of Hawaiian Homelands, and the State Department of Transportation (HDOT) on finalizing their respective agreements.

VI. Resolution 2014-1 Relating to the Tobacco-Free Policy for the Honolulu Authority for Rapid Transportation

Mr. Morioka introduced a draft HART Smoke-Free Policy, attached hereto as Attachment C. He said that HART was following the State and City's lead in creating tobacco-free zones. Current smoking prohibitions include smoking in public facilities,

places of employment, and bus stops and beaches. He said that train cars are already smoke-free under existing law, and that the proposed policy would ensure that transit stations and facilities are free from secondhand smoke. HART's policy also goes a step further by prohibiting e-cigarettes, which have not been proven safe. Mr. Morioka thanked Beth Davidann and Annie Hollis of the Coalition for a Tobacco-Free Hawaii for their support and assistance in crafting the policy.

Mr. Lui-Kwan called for public testimony, and there was none.

Mr. Formby expressed his concern that the draft policy could potentially confuse passengers, as its distance prohibitions were not consistent with existing law. For intermodal passengers, the policy as drafted could prove difficult. Mr. Lui-Kwan suggested that this suggestion be examined and the policy taken up by the Board at a later time.

Mr. Bunda asked Ms. Davidann whether there had been any studies on ESDs. Ms. Davidann responded that the University of Hawaii was currently undertaking such a study, as ESD use is more pronounced in Hawaii than in other states. She articulated the concern that substances other than those marketed specifically for ESDs can be smoked in the devices.

Mr. Hong agreed with Mr. Formby that consistency is desirable from an enforcement standpoint. Ms. Okinaga expressed her support of the policy, and echoed Mr. Hong's concern regarding enforcement.

There being no objection, the matter was referred back to the administration for further evaluation.

#### VII. Right of Way Update

Mr. Lui-Kwan stated that the Right of Way update would be deferred to a later date.

#### VIII. Construction Update

HART Director of Design and Construction Lorenzo Garrido and Deputy Director of Construction Rick Stead gave a PowerPoint presentation updating the Board on construction. The presentation is attached hereto as Attachment D. Mr. Garrido thanked the Board, the Department of Planning and Permitting, the City Council, Mayor Kirk Caldwell, and Kiewit in helping HART get back to construction on September 16, 2013.

In the Kamehameha Highway phase, Mr. Stead reported that foundation test shafts near Aloha Stadium were being dug in preparation for final design. Waterlines were being replaced along Farrington Highway. Column construction has also restarted in the West Oahu/Farrington Highway phase. Contractors were grading the site of the Maintenance and Storage Facility.

Ms. Okinaga asked about the traffic notices being given to the public. Mr. Garrido replied that HART had been receiving complaints about the Farrington Highway closure for waterline work. In response to those complaints, HART staff was working with HDOT and the Department of Transportation Services on resequencing the traffic signals, and possibly accommodating an extra left lane at peak travel times. HART was also coordinating with Aloun Farms on mitigating pumpkin patch traffic. He said that HART would make lane closure information to the public as far in advance as possible, and coordination with HDOT had been stepped up via regular traffic control meetings.

Board member Donald Horner asked about construction impacts on roadways. Mr. Garrido responded that Kiewit's work is limited by its contract as to number of intersections that can be affected at any one time, to minimize the project's effect on traffic. He reported that HART was also working with Kiewit and HDOT on traffic management. Mr. Horner asked whether HART was coordinating with the City and other entities on sewer and utility work since the public is already being inconvenienced. Mr. Garrido confirmed that HART was working with other entities on scheduling work. For example, HDOT will be repaving Kamehameha Highway once rail work is complete.

Mr. Horner asked how HART's work schedule would be truncated because of the construction delay. Mr. Stead replied that the schedule had shifted so that more work would be done concurrently on the various phases. Mr. Garrido reminded the Board that although the opening of the full 20 miles will still occur in March 2019, the interim opening date has been delayed one year to 2017. He said that HART is looking for cost efficiencies to offset the delay.

Mr. Horner asked when contracts for the second half of the alignment would be let. Mr. Garrido said that those contracts would be out for bid in July 2014, and that staff was working to get information out to the public. He said that there would be an opportunity for prime contractors to network with Disadvantaged Business Enterprises when HART held its Contractor Industry Day on October 16, 2013. The goal of the event is to generate contractor interest in the project and to provide smaller construction companies an opportunity to meet the prime contractors.

Mr. Horner said that a new financial plan was needed to ensure that the project is still within the scope of the budget, and to ensure that the 10% cost delta between the first and second halves of the alignment still holds true in light of the schedule change.

Ms. Okinaga asked about traffic notifications to the Mayor and other officials, and asked whether HART was coordinating its construction schedule with other entities. Mr. Garrido assured her that the notifications were being made, and that staff was coordinating with others.

#### IX. Report of the Executive Director & CEO

Mr. Morioka gave the report of the Executive Director & CEO. He thanked the Board, Councilmembers and Mayor for attending the event marking the restart of construction.

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Mr. Morioka thanked the Hawaii Congressional delegation for the release of federal funds of \$236 million on September 20, 2013.

He reported on recent community outreach efforts. Mr. Grabauskas had recently made presentations to the American Business Women's Association and National Utility Contractors Association. Upcoming events included an October 8<sup>th</sup> community informational meeting for the Kamehameha Highway station group, and the Construction Industry Day on October 16. Mr. Lui-Kwan asked about efforts to provide information about available project work, and Mr. Morioka said that HART was providing direct outreach to contractors, including the Industry Day event.

Mr. Morioka reported that in early October, he, Mr. Grabauskas, Mayor Caldwell, Mr. Formby, and other HART staff would be attending the annual meeting of the American Public Transportation Association in Chicago to build relationships with transit experts. Speakers at the meeting include the new U.S. Department of Transportation Secretary Anthony Foxx and Federal Transit Administration (FTA) Administrator Peter Rogoff.

Lastly, Mr. Morioka reported that he would be appearing before the Council Transportation Committee that day to make a presentation regarding the restart of construction and platform screen gates.

Mr. Bunda asked whether there were any updates on the federal lawsuit. Deputy Corporation Counsel Gary Takeuchi reported that Corporation Counsel had filed a motion requesting limited remand to the District Court on a few issues brought earlier in the summer, which the District Court had ruled that it lacked jurisdiction. The Ninth Circuit granted the motion for remand, which seeks clarification and modification of the injunction. HART is seeking to (1) continue talking with landowners of properties HART needs to acquire, without actually acquiring the properties; (2) obtain clarification on whether it can complete the federally-mandated relocation process for landowners whose properties had been acquired prior to the injunction; and (3) allow acquisitions in phase four that would be needed regardless of whether the Beretania Street alternative is chosen or not. Mr. Takeuchi said that none of the parties oppose this request, and that HART had filed its reply in support of the motion that day. Mr. Bunda asked when the court would issue its decision, and Mr. Takeuchi indicated that he was unsure.

Mr. Lui-Kwan asked when the court would rule on HART's compliance with its ruling. Mr. Morioka said that HART was still awaiting the FTA's acceptance of the Supplement Environmental Impact Statement. The Traditional Cultural Properties study evaluation was being completed by the State Historic Preservation Division.

Ms. Okinaga asked about the status of the two eminent domain proceedings. Mr. Morioka reported that HART had come to an agreement with the owners of Stuart Plaza. It had also obtained a construction right of entry for the Lee property, and had come to an agreement as to the terms of acquisition.

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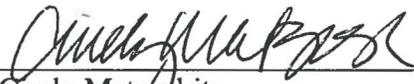
X. Executive Session

There was no need for executive session.

XI. Adjournment

Mr. Lui-Kwan adjourned the meeting at 11:16 am.

Respectfully Submitted,



Cindy Matsushita  
Board Administrator

Approved:



Ivan M. Lui-Kwan  
Board Chair

NOV 21 2013

Date

## ATTACHMENT A



Aloha Honolulu Authority for Rapid Transportation Board of Directors,

Thank you for the opportunity to testify in support of the proposed Resolution 2014-1, Relating to the Tobacco-Free Policy for the Honolulu Authority for Rapid Transportation (HART.)

My name is Beth Davidann and I serve as the Oahu Coordinator for the Coalition for a Tobacco-Free Hawaii (CTFH.) We are an independent organization of 2,000 advocates in Hawaii who work to reduce tobacco use and promote smoke-free environments through education, policy and advocacy. Most recently, we worked closely with the Honolulu City and County Council to help pass the smoke-free beaches, parks and bus stop laws, signed by Mayor Caldwell in July that go into effect in January 2014.

There is good evidence for HART to support a tobacco-free policy including the following:

- The 2006 U.S. Surgeon General Report concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke and that there is no risk-free level of exposure to secondhand smoke.
- It is legal for states, cities and other municipalities, institutions and businesses to create laws and policies that restrict use of all tobacco products and ESDs.
- There are no federal or state laws that recognize people who use any form of tobacco or electronic smoking devices (ESDs) as a legally protected category of citizens, so there is no grounds for discrimination.
- The Public Health Law Center states that federal transportation laws prohibit smoking on vehicles such as interstate buses, while state and local laws regulate smoking on mass transit vehicles within their jurisdictions. Mass transit passenger railroads may have their own smoking policies that extend to waiting areas and additional locations on the property.<sup>1</sup>
- The Americans for Nonsmokers' Rights organization reported in Jan. 2013 there are 277 municipalities along with the states of Iowa, New York and Wisconsin, the Territory of Guam, and the U.S. Virgin Islands that prohibit smoking in outdoor public transit waiting areas.<sup>2</sup>
- To date, there is insufficient scientific evidence to support product claims that ESDs are safe to use, that the secondhand smoke (vapor) is harmless, and that they are a healthier option to smoking conventional cigarettes.<sup>3</sup>

The Coalition for a Tobacco-Free Hawaii applauds HART for seizing the opportunity to build a tobacco-free transit system from the ground up. Thank you for your consideration of this testimony and for your leadership in protecting the health and safety of HART passengers.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Z. Davidann".

Beth Z. Davidann, MPH  
Oahu Coordinator

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<sup>1</sup>Public Health Law Center. (2013.) Available at: <http://publichealthlawcenter.org/topics/tobacco-control/smoke-free-tobacco-free-places/vehicles>

<sup>2</sup>Americans for Nonsmokers' Rights. (2013.) "Smokefree Transit Stops." Available at: <http://www.no-smoke.org/pdf/SmokefreeTransitStops.pdf>

<sup>3</sup>German Cancer Research Center (2013) Red Series Tobacco Prevention and Tobacco Control Volume 19: "Electronic Cigarettes – An Overview." Available at: <http://www.dkfz.de/en/presse/download/RS-Vol19-E-Cigarettes-EN.pdf>

## ATTACHMENT B

	Activity	Time Period	Actual	Plan	Variance	Status	Comments and Legend
							<p><span style="color: green;">●</span> On track or ahead of plan.      <span style="color: red;">●</span> Immediate attention needed; Requires recovery/resolution.</p> <p><span style="color: yellow;">●</span> Monitoring.      <span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> No current target/activity to date; Action pending.</p> <p><span style="color: orange;">●</span> Monitoring; Requires special attention.      N/A Not Applicable.      TBD To be determined.</p> <p><span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> New Balanced Scorecard items are shaded in blue for ease of identification.      <span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Status color changes are shaded in yellow.</p>
<b>For Project Finances, reporting will be based on Current Quarter, Fiscal Year, FFGA Financial Plan and Inception to Date data as appropriate.</b>							
1	<b>Project Finances</b>						
2	<b>Operating Budget [Negative = below Plan]</b>						
3	Operating Expenditures	<b>Current Quarter (Q4 FY13)</b> April, May, June 2013	\$4.9	\$5.3	(\$0.4)	●	<p>For Current Quarter monitoring purposes: \$21M Total Budget/4 quarters = \$5.3M.</p> <p>The Plan numbers for Inception to Date and the Financial Plan = the FY12 and FY13 budgets + actual expenditures for fiscal years 2007 through 2011.</p> <p>*Inception is from January 2007 when GET surcharge revenue, interest revenue and expenditures were first reported in the City's FY2007 Comprehensive Annual Financial Report (CAFR) in the Transit Fund which also includes expenditures for other City Departments (e.g., DPP for TOD expenditures, BFS and City Council which were paid with GET surcharge revenues).</p>
4		<b>FY2013 Total</b> July 2012-June 2013	\$16.2	\$21.1	(\$4.9)	●	
5		<b>FFGA Financial Plan</b> October 16, 2009 - June 2013	\$45	\$55	(\$10)	●	
6		<b>Inception* to Date</b> January 2007 - June 2013	\$49.0	\$58.6	(\$9.6)	●	
7	<b>Capital Budget [Negative = below Plan]</b>						
8	Capital Expenditures	<b>Current Quarter (Q4 FY13)</b> April, May, June 2013	\$81	\$184	(\$103)	●	<p>Plan amounts are per the Financial Plan.</p> <p>*Inception is from January 2007 when GET surcharge revenue, interest revenue and expenditures were first reported in the City's FY2007 Comprehensive Annual Financial Report (CAFR) in the Transit Fund.</p> <p>The Plan numbers for Inception to Date = the Plan amounts from 10/16/2009 to 6/30/2013 + actual expenditures for fiscal year 2007 through 10/15/2009.</p> <p>The expenditures for fiscal years 2007 to 2011 were reconciled to the expenditures reported in the Transit Fund included in the City's CAFR report.</p> <p>Actual expenditure amounts are below plan due to the suspension of construction required by pending litigation. As a result of the construction delay, we are currently rebaselining the master project schedule and the plan will be readjusted by fall 2013.</p>
9		<b>FY2013 Total</b> July 2012-June 2013	\$247	\$734	(\$486)	●	
10		<b>FFGA Financial Plan</b> October 16, 2009 - June 2013	\$657	\$1,302	(\$646)	●	
11		<b>Inception* to Date</b> January 2007 - June 2013	\$740	\$1,386	(\$646)	●	
12	<b>Revenues [Negative = below Plan]</b>						
13	<b>GET Collections</b>						
14	Net GET Surcharge Receipts	<b>Current Quarter (Q4 FY13)</b> April, May, June 2013	\$55	\$51	+\$4	●	<p>GET receipts are reported on a cash basis. The \$55M received in April 2013 is for the January-March 2013 quarter. The Current Quarter plan is based on annual reporting.</p> <p>\$3,291M = Total Net GET Surcharge revenue forecast for FYs 2010-2023. Actual amounts from inception are the collections from January 2007 to 6/30/2013. The \$1,062M Plan amount is equal to the Financial Plan amount of \$684M from the Project Start date of 10/16/2009 to 6/30/2013 plus \$378M collected prior to the Project Start Date.</p> <p>Surcharge revenue is below plan due to the lag in processing of GET tax returns by the State Dept. of Taxation.</p> <p>GET surcharge revenue collected prior to October 16, 2009 is included in the Financial Plan as beginning cash balance of \$298M (actual GET collections of \$378M before October 16, 2009, less expenditures of \$80M during that same period).</p> <p>*Inception is from January 2007 when GET surcharge revenue, interest revenue and expenditures were first reported in the City's FY2007 Comprehensive Annual Financial Report (CAFR) in the Transit Fund.</p> <p>Status for the Current Quarter has changed from orange to green; status for the FFGA Financial Plan has changed from orange to yellow.</p>
15		<b>FY2013 Total</b> July 2012-June 2013	\$170	\$203	(\$33)	●	
16		<b>FFGA Financial Plan</b> October 16, 2009 - June 2013	\$651	\$684	(\$33)	●	
17		<b>Inception* to Date</b> January 2007 - June 2013	\$1,029	\$1,062	(\$33)	●	
18	<b>Federal Grants</b>						
19	Federal Grant Funds New Starts \$5309 (Reimbursed)	<b>Current Quarter (Q4 FY13)</b> April, May, June 2013	\$13	\$65	(\$52)	●	<p>Forecasted FTA receipts by fiscal years to 6/30/13 per the Plan are FY2011 - \$21M; FY2012 - \$99M; FY2013 - \$258M, Total \$378M.</p> <p>The FY2013 New Starts appropriation is \$236M net of \$14M sequestration reduction.</p> <p>The variance indicates the available appropriation amounts. Reimbursement amounts are below plan due to the suspension of construction which reduced reimbursable project expenditures.</p> <p>Reimbursements will increase when construction resumes in FY14.</p> <p>Status for the Current Quarter and FFGA Financial Plan has changed from green to yellow.</p>
20		<b>FY2013 Total</b> July 2012-June 2013	\$82	\$258	(\$176)	●	
21		<b>FFGA Financial Plan</b> October 16, 2009 - June 2013	\$144	\$378	(\$234)	●	
22	Federal Grant Funds \$5307 (Reimbursed)	<b>Current Quarter (Q4 FY13)</b> April, May, June 2013	---	---	N/A	●	<p>No \$5307 funds will be used in FY14.</p> <p>Total forecasted \$5307 funds per the plan is \$210M. The forecasted amounts by fiscal year are: FY15 - \$34M; FY16 - \$35M; FY17 - \$35M; FY18 - \$36M; FY19 - \$37M; FY20 - \$33M</p>
23		<b>FY2013 Total</b> July 2012-June 2013	---	---	N/A	●	
24		<b>FFGA Financial Plan</b> 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		
<p><b>For the remainder of the Balanced Scorecard, reporting will be based on Current Quarter and Inception to Date data.</b></p>										
25	<b>Project Budget</b>									
26	FFGA Baseline Project Budget	N/A	N/A	N/A	○	\$5,122	\$5,122	N/A	●	SM 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)	●	SM 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	●	% SM Committed of the committed Baseline FFGA Project Budget.
29	Incurred (\$M)	\$47	---	---	●	\$703	\$4,253	(\$3,550)	●	SM 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%	---	---	●	% SM 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	●	SM current vs. planned Estimate at Completion (EAC = contract values as budgeted or awarded + executed change orders + pending and potential changes).
35	<b>Contingency</b>									
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	<b>Project Compliance</b>									
41	<b>Programmatic Agreement (PA) [Positive = # above or added to Plan; Negative = # remaining]</b>									
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	<b>PROJECT DELIVERY - OVERALL</b>									
45	<b>Overall Progress [Positive = ahead of Late Plan; Negative = behind Late Plan]</b>									
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	<b>Contracts Awarded</b>									
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-	●	SM 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				<b>Comments and Legend</b> <span style="color: green;">●</span> On track or ahead of plan. <span style="color: red;">●</span> Immediate attention needed; Requires recovery/resolution. <span style="color: yellow;">●</span> Monitoring. <span style="color: white;">○</span> No current target/activity to date; Action pending. <span style="color: orange;">●</span> Monitoring; Requires special attention. N/A Not Applicable. TBD To be determined. <span style="background-color: #e0f0ff;"> </span> New Balanced Scorecard items are shaded in blue for ease of identification. <span style="background-color: #ffffe0;"> </span> Status color changes are shaded in yellow.	
	April, May, June 2013				January 2007 - June 2013					
	Actual	Plan	Variance	Status	Actual	Plan	Variance	Status		
52	<b>Change Orders</b>									
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	<b>Claims</b>									
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	<b>Agreements</b>									
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 ( <b>bold, red</b> items are high priority agreements): <b>WOFH, KHG, City Center:</b> *University of Hawaii Master Agreement <b>WOFH:</b> *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 <b>KHG:</b> *UH Urban Garden Sub-Agreement *Aloha Stadium/Department of Accounting & General Services (DAGS) <b>Airport:</b> *U.S. Navy/General Services Administration (GSA) *U.S. Post Office Honolulu Processing Center <b>City Center:</b> *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	<b>Real Estate/Right-of-Way (ROW)</b>									
65	<b>Acquisitions</b>									
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	<b>Easements</b>									
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	<b>Safety</b>									
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	<b>Quality Assurance (QA)</b>									
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	<b>Economic Multipliers [Negative = below plan]</b>									
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	<b>Public Outreach</b>									
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				<b>Comments and Legend</b> ● 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. □ New Balanced Scorecard items are shaded in blue for ease of identification. □ Status color changes are shaded in yellow.
		April, May, June 2013				January 2007 - June 2013				
		Actual	Plan	Variance	Status	Actual	Plan	Variance	Status	
103	<b>PERSONNEL</b>									
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	<b>Transit-Oriented Development (TOD) Planning</b>									
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	<b>SERVICE DELIVERY</b>									
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	<b>LIVABILITY</b>									
117	HART Sustainability Policy				○				○	TBD in FY14.
118	Transit-Oriented Development (TOD) Policy				○				○	TOD stakeholders group in development.

## ATTACHMENT C

**Honolulu Authority for Rapid Transportation**

**RESOLUTION NO. 2014-1**

**REGARDING THE SMOKE-FREE POLICY OF THE  
HONOLULU AUTHORITY FOR RAPID TRANSPORTATION**

WHEREAS, the Honolulu Authority for Rapid Transportation Board (HART) finds that tobacco smoke is dangerous to human beings and a hazard to public health and welfare; and

WHEREAS, numerous scientific studies have shown secondhand smoke is dangerous to all people exposed to it, greatly increasing the risk of heart disease and lung cancer, and devastating to non-smokers with cardiovascular problems or impaired respiratory function; and

WHEREAS, the adverse health effects of secondhand smoke are recognized by numerous medical and scientific authorities, including the American Medical Association, the U.S. Surgeon General, the National Institute on Occupational Safety and Health, the National Cancer Institute, the Environmental Protection Agency, the National Academy of Sciences, the National Toxicology Program, the Center of Disease Control and Prevention, and the World Health Organization; and

WHEREAS, the safety of electronic smoking devices has not been scientifically established, and the secondhand smoke or vapor emitted from electronic smoking devices may be harmful as such devices turn nicotine and other chemicals into a vapor that is exhaled into the air; and

WHEREAS, HART wishes to protect transit workers and patrons from the harmful effects of tobacco smoke and from the use of electronic smoking devices;

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That the Smoke-Free Policy, as set forth in Exhibit A attached hereto and made a part hereof by reference, be and hereby is, adopted as the policy of HART; and
2. That the Executive Director/CEO is authorized to implement the policy described in Exhibit A and to ensure that HART patrons, staff and contractors, as appropriate, adhere to the policy; and
3. That this Resolution shall take effect immediately upon its adoption.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on  
\_\_\_\_\_.

Exhibit A – Smoke-Free Policy of the Honolulu Authority for Rapid Transportation

\_\_\_\_\_  
Board Chair

ATTEST:

\_\_\_\_\_  
Board Administrator

DRAFT

**Honolulu Authority for Rapid Transportation  
STAFF SUMMARY**

<b>TITLE:</b> REGARDING THE SMOKE-FREE POLICY OF THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION	<b>STAFF CONTACT:</b> Ken Caswell, Cindy Matsushita	<b>DATE:</b> August 15, 2013
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Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> <b>Action/Approval</b>	<input type="checkbox"/> <b>Project Delivery</b>	<input checked="" type="checkbox"/> <b>Livability/Land Use</b>	
<input type="checkbox"/> <b>Information</b>	<input checked="" type="checkbox"/> <b>Service Delivery</b>	<input type="checkbox"/> <b>Partnerships</b>	
<input type="checkbox"/> <b>Follow-up</b>	<input type="checkbox"/> <b>Resource Stewardship</b>	<input checked="" type="checkbox"/> <b>Agency Admin.</b>	

**1. Purpose:**  
To establish an anti-smoking policy on HART premises.

**2. Background/Justification**  
To protect transit workers and patrons from the harmful effects of secondhand smoke, and from the use of electronic smoking devices.

**3. Procurement Background**  
N/A

**4. Financial/Budget Impact**  
N/A

**5. Policy Impact**  
Consistent with the policies of the State of Hawaii and the City and County of Honolulu in establishing smoke-free facilities.

**6. Public Involvement**  
N/A

**7. Alternatives**  
N/A

**8. Exhibits**  
Exhibit A –Smoke-Free Policy of the Honolulu Authority for Rapid Transportation

**Certified and Recommended by:**

  
 \_\_\_\_\_  
**Executive Director and CEO**

9/25/13  
 \_\_\_\_\_  
**Date**

## Exhibit A

### SMOKE-FREE POLICY FOR THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

#### I. PURPOSE

The Hawaii State Legislature and Honolulu City Council have declared that regulation of smoking is a matter of public health and welfare. To protect the public from exposure to secondhand smoke, the State has adopted legislation which prohibits the smoking of tobacco products in all enclosed and partially enclosed places open to the public, places of employment, sports arenas, and government buildings and vehicles. Similarly, the City and County of Honolulu has adopted legislation prohibiting the smoking of tobacco products in all City facilities, at bus stops and other places open to the public.

The Honolulu Authority for Rapid Transportation (HART) wishes to implement a similar ban on smoking and to ban the use of electronic smoking devices at its transit stations and facilities.

##### A. Policy Objectives

1. Improve the environment in and around HART transit stations and facilities.
2. Contribute to the health of rail patrons and employees at HART transit stations and facilities by eliminating the effects of secondhand smoke.
3. Ensure the safety of rail patrons and employees at HART transit stations and facilities.

##### B. Legal Authority

1. Hawaii Revised Statutes (HRS) § 328J-8
2. Revised Charter of Honolulu § 17-103.3(g)

#### II. DEFINITIONS

<b>Electronic Smoking Device (“ESD”)</b>	Any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.
--	--

Smoking                      Inhaling and exhaling the fumes of burning tobacco or any other plant material, burning or carrying any lighted equipment for smoking tobacco or any other plant material, using an ESD, or the personal activity commonly known as smoking.

III.    POLICY

Smoking is strictly prohibited in the following areas that are owned, operated or controlled by HART:

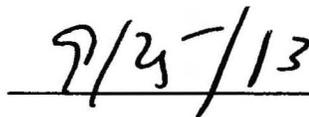
1. All spaces within any transit station, including but not limited to station plazas, ticketing areas, on stairways, escalators, concourses, bridges, or platforms;
2. Within 20 feet of transit station entrances and exits;
3. Within 20 feet of air intake ducts and vents, and of operable windows;
4. Within 50 feet of designated pick-up and drop-off points for Kiss-and-Ride, Park-and Ride, HandiVan, HART-provided TheBus Transit Centers, bus stops, or shelters; and
5. Any area in a HART facility that has been designated by HART as a non-smoking area.

IV.    IMPLEMENTATION

Pursuant to HRS § 238J-9, clearly legible signs that include the words "Smoking Prohibited by Law" or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in and at the entrance to every HART facility or other place where smoking is regulated by this policy. Additional signs or language indicating that the use of ESDs are not allowed shall be clearly and conspicuously posted in and at the entrance to every HART facility or other place where smoking is regulated by this policy.



\_\_\_\_\_  
DANIEL A. GRABAUSKAS  
EXECUTIVE DIRECTOR AND CEO



\_\_\_\_\_  
DATE

## ATTACHMENT D

# HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

## Construction Update

September 26, 2013

H O N O L U L U R A I L T R A N S I T P R O J E C T

[WWW.HONOLULUTRANSIT.ORG](http://WWW.HONOLULUTRANSIT.ORG)

**HART**

HONOLULU AUTHORITY for RAPID TRANSPORTATION

# Construction Resumed

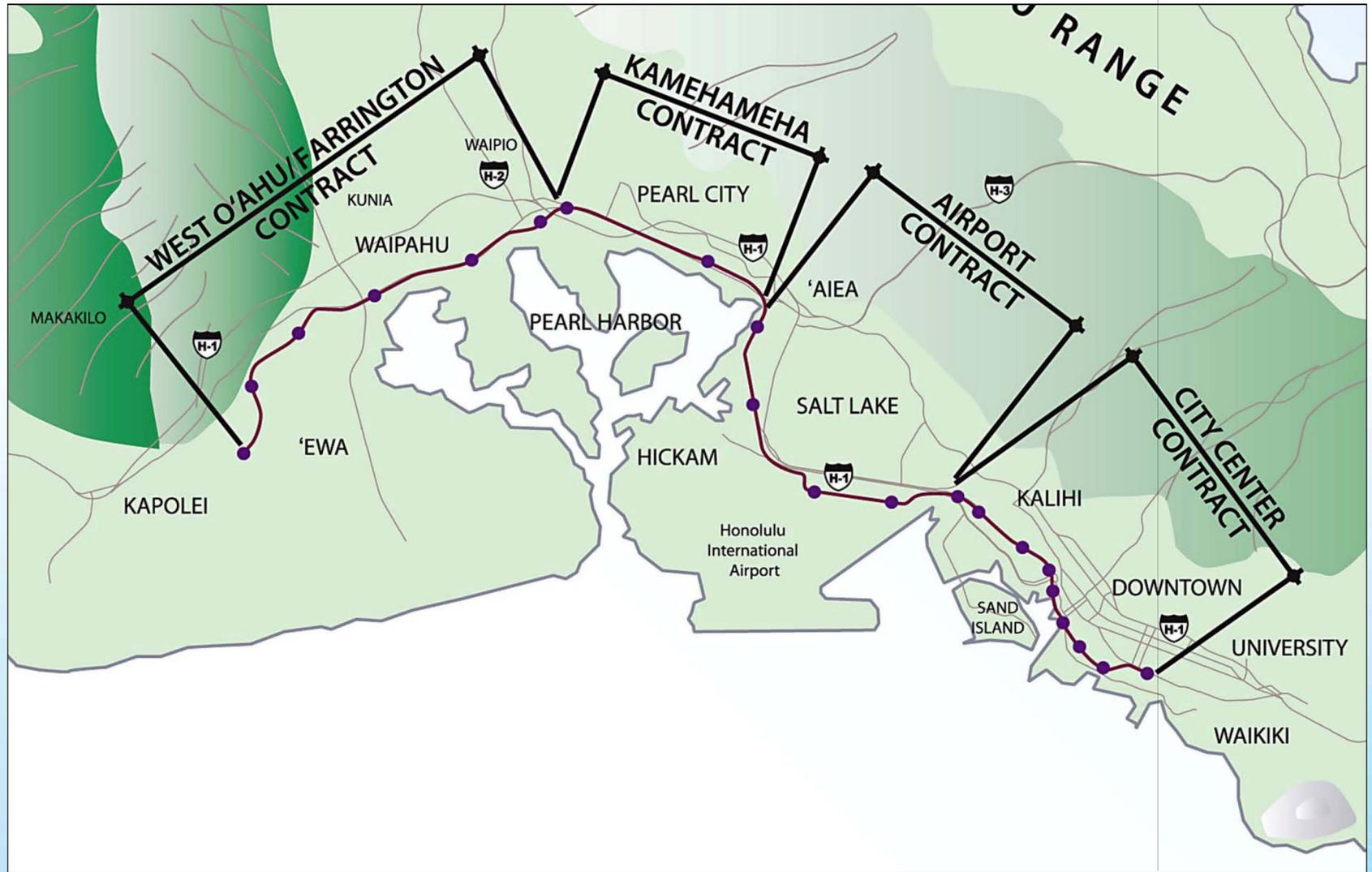
## September 16, 2013



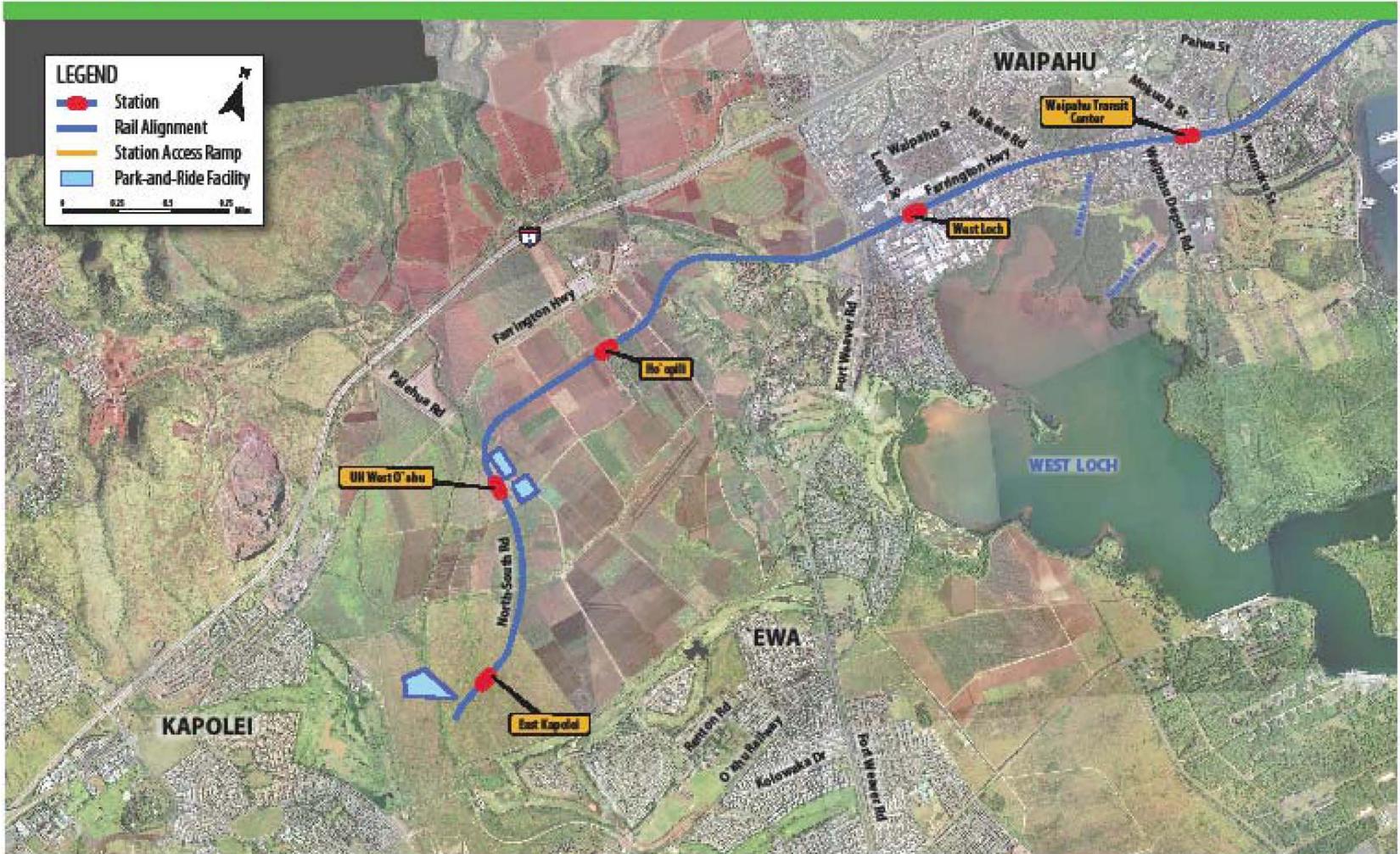
### Construction in Phases 1 and 2

- WOFH: Utilities and Columns
- KHG: Test Shafts and Utilities
- MSF: Grading

# Project Phases



# EAST KAPOLEI to WAIPAHO TRANSIT CENTER



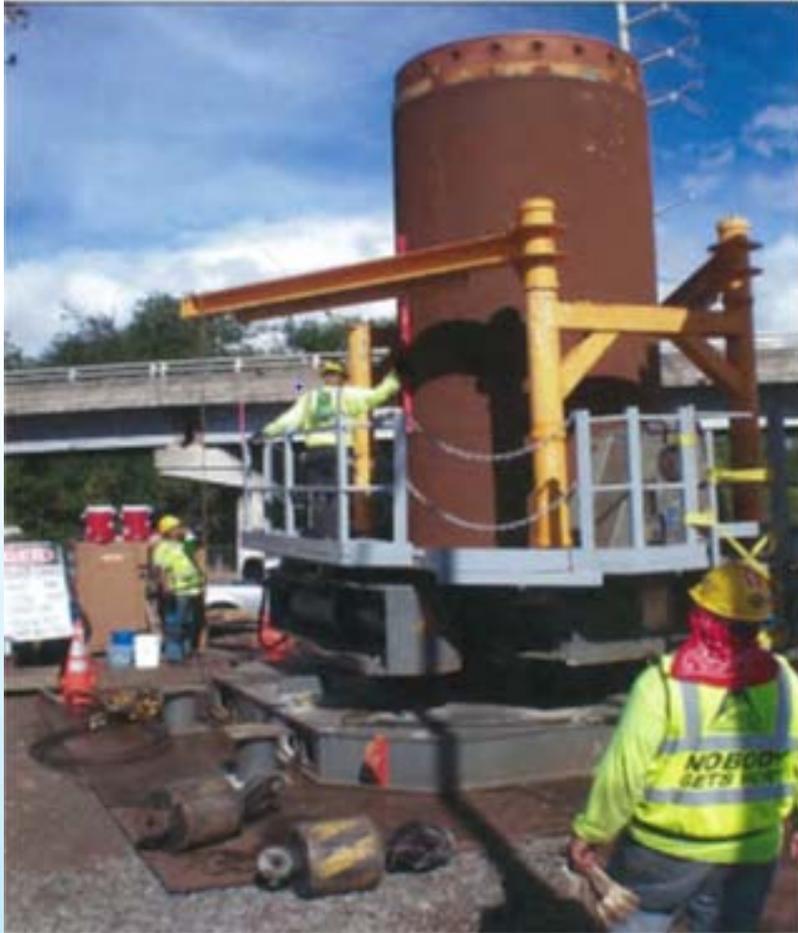
# LEEWARD COMMUNITY COLLEGE to HONOLULU INTERNATIONAL AIRPORT



# Guideway



# Preconstruction and Utility Relocation



***Kamehameha Highway  
Foundation Test Shaft***



***Farrington Highway  
20-inch & 30-inch Waterlines***

# Column Construction



***Foundation Shaft***



***Column Concrete Placement***

# Maintenance & Storage Facility



H O N O L U L U   R A I L   T R A N S I T   P R O J E C T

[www.HONOLULUTRANSIT.ORG](http://www.HONOLULUTRANSIT.ORG)

**HART**

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

# MSF Site Grading



# *Mahalo!*

