



HONOLULU AUTHORITY for RAPID TRANSPORTATION

MINUTES

**Board of Directors Meeting
Ali'i Place, Suite 150
1099 Alakea Street, Honolulu, Hawaii
Thursday, April 21, 2016, 10:30 a.m.**

PRESENT:	Terri Fujii George Atta Terrence Lee Colleen Hanabusa	Damien Kim Ivan Lui-Kwan Mike Formby Colbert Matsumoto
ALSO IN ATTENDANCE: (Sign-In Sheet and Staff)	Joyce Oliveira Cindy Matsushita Jesse Souki Morris Atta	Russell Honma Barbra Armentrout Rose Pou Lisa Hirahara
EXCUSED:	Ford Fuchigami	William "Buzz" Hong

I. Call to Order by Vice Chair

Honolulu Authority for Rapid Transportation (HART) Vice Chair of the Board of Directors Damien Kim called the meeting to order at 12:17 p.m.

Mr. Kim said that the newest member of the HART Board of Directors, Colbert Matsumoto, who had been appointed by the mayor, would be sworn in.

Mayor Kirk Caldwell spoke of the Mr. Matsumoto's work at Island Insurance, and as the court-appointed master in the Bishop Estate matter. He thanked Mr. Matsumoto for serving on the Board, and thanked the Board members as well.

City Clerk Glen Takahashi swore Mr. Matsumoto in as a member of the HART Board of Directors.

Mr. Matsumoto said that although the Board was faced with a difficult task, he looked forward to working with members.

II. Public Testimony on All Agenda Items

Mr. Kim called for public testimony.

Dr. Jim Anthony provided testimony in support of Mr. Matsumoto's appointment to the Board, and of his approval of the discussion held at the preceding Finance Committee meeting. Dr. Anthony spoke of his support of Executive Director and CEO Daniel Grabauskas. He remarked on what he saw as a lack of professionalism in the City Auditor's report,

Rose Pou said that she would provide testimony after item XXII.

Barbra Armentrout welcomed Mr. Matsumoto to the Board, and noted her appreciation of former Chair Don Horner.

Mel Kahele of the Ironworkers Stabilization Fund testified regarding his hope that politics would not be part of the Board leadership selection. He spoke in support of Mr. Grabauskas, who had always been responsive to the ironworkers.

III. Board Leadership Election

Mr. Kim acknowledged former Chair Don Horner for his contributions to the HART Board. He said that in keeping with the tradition of alternating Board leadership between Council and Mayoral appointees for two years apiece, he nominated Board member Colleen Hanabusa as Chair. Board member Michael Formby seconded the motion, and acknowledged Mr. Kim's contributions as Interim Chair.

Board member Ivan Lui-Kwan amended the motion to include Mr. Kim as Vice Chair.

All being in favor, the motion carried unanimously.

Mr. Lui-Kwan echoed Mr. Kim's recognition of Mr. Horner's contributions to the HART Board. He disclosed a conflict with Ms. Hanabusa in that they are hanai siblings.

Ms. Hanabusa said that the HART Board of Directors is at an important juncture, and that she sought to restore public trust in the project and move it forward. She stated that she would like to have a discussion regarding committee roles.

IV. Financial Plan Update Permitted Interaction Group Membership

Ms. Hanabusa said that although Mr. Kim should be added to the permitted interaction group membership, the Office of Information Practices (OIP) says that the membership of a permitted interaction group cannot be altered. Deputy Corporation Counsel Lisa Hirahara advised that so long as the scope of an investigation remains the same, the permitted interaction group does not

need to be disbanded. She also said that the scope of a member's role in the permitted interaction group should be defined.

Ms. Hanabusa said that the OIP issued an opinion on that point in 2005, and requested that the matter be deferred until counsel could opine on it.

V. Fiscal Year 2017 Capital Budget Re-Appropriation Request

Mr. Lui-Kwan said that pursuant to Board policy section IIIC, HART's budget is approved by its Finance Committee, and is then forwarded to the City Council. The materials for this agenda item are attached hereto as Attachment A. Mr. Lui-Kwan reported that earlier that morning, the Finance Committee had a discussion on the budget, in which it talked about the difference between the Council's biannual appropriation in contrast to HART's annual appropriation. He said that the amount of the request was increased from the Full Funding Grant Agreement (FFGA) of June 2012, which was the result of contract repackaging and the increase in costs for the last three major contracts (Airport, City Center, and Pearl Highlands Transit Station). Mr. Lui-Kwan reported that the discussion centered on how realistic those increased numbers are, and on any contingency plan should the numbers not bear out. He said that the costs for the Airport and City Center contracts will be known later this summer, and after the first of the following year.

Ms. Hanabusa said that it was imperative to be clear that the numbers are estimates.

VI. Approval of Minutes

- A. March 17, 2016 Meeting of the Board of Directors
- B. March 28, 2016 Limited Meeting of the Board of Directors

Ms. Hanabusa called for any comments or questions regarding the draft minutes of the March 17, 2016 meeting and March 28, 2016 limited meeting of the Board of Directors. There were none. She called for public testimony. There was none. The minutes were unanimously approved as circulated.

VII. Board Members' Report of Attendance

- A. Charter Commission Meeting on March 4, 2016
- B. Charter Commission Meeting on March 8, 2016
- C. City Council Budget Committee Meeting on April 5, 2016

Mr. Formby reported his attendance at several Honolulu City Charter Commission meetings, including a permitted interaction group meeting in his capacity as Department of Transportation Services Director. He also reported that former Chair Donald Horner and Mr. Grabauskas had also been present at one of the meetings.

Board member Terrence Lee reported his and Mr. Horner's attendance at the April 5, 2016 City Council Budget Committee meeting, at which various budget line items were discussed, along with Councilmember Ozawa's request for a study for an extension to the University of Hawaii at

Manoa. Mr. Lee reported that the Committee members did not have questions for HART staff or Board members.

VIII. Eminent Domain – Authorizing Acquisition

A. Resolution No. 2016-12 Authorizing the Acquisition of a Fee Simple Interest and Temporary Construction Easement in the Real Property Identified as Tax Map Keys 1-2-009-011 and 1-2-009-098 (Portions), Located at 2043 Dillingham Boulevard, and Owned by Blood Bank Real Property, Inc. by Eminent Domain

HART Deputy Director of Right of Way Morris Atta said that the subjects of Resolutions 2016-12 through 2016-14 had previously been approved by the Board and were also approved by the City Council. Resolutions 2016-12 through 2016-14 are attached hereto as Attachment B. Mr. Atta said that the first parcel, the subject of Resolution 2016-12, was a strip taking from the Blood Bank property on Dillingham Boulevard of about 2,700 square feet from a 27,000 square foot property. HART would be reconfiguring the location of the front door, and no relocation would be required.

Mr. Lee said that the Blood Bank president had been quoted in the newspaper as saying that negotiating with HART with the threat of eminent domain is like having gun to their heads. Mr. Atta said that HART was exercising its governmental authority in employing eminent domain as a possible scenario to avoid schedule, cost, construction delay impacts. Mr. Lee said that the Blood Bank was also alleging that construction would adversely impact its accreditation and the blood supply. Mr. Atta replied that HART had been encouraging the Blood Bank to provide supporting documentation to support that conclusion; the Blood Bank had supplied a report containing hypothetical information, but no actual data.

Mr. Lee asked whether HART had engaged an expert to study the issue. Mr. Atta said that HART had conducted a site inspection of the Blood Bank's equipment, which are mostly on casters. He stated based on the visit, HART staff did not observe any findings to submit to the FTA that rail construction activities would adversely impact the Blood Bank. Mr. Atta reminded the Board that staff was still in active discussions with the landowners, and said that if new data is provided, HART could possibly reach an agreement with the Blood Bank.

Board member Damien Kim asked about the City's proposed purchase of the Blood Bank building. Mr. Atta said that the City and HART were on concurrent paths; the Council's resolution provides that the City would purchase the remainder of the property after HART exercised eminent domain. He said that HART engineers familiar with vibration and noise had conducted a review of the reports submitted by the Blood Bank to HART; they concluded that the allegations were not substantiated by fact.

Director of Planning, Permitting, and Right of Way Jesse Souki said that neither qualifying for relocation under the Uniform Act nor being adversely impacted so as to necessitate a full take could not be substantiated with the information provided. He said that HART looked at mitigating impacts such as parking, the front door, and the sidewalk. Mr. Souki said that HART's policy had been to negotiate in good faith, and use eminent domain as a last resort to

keep on schedule. Mr. Atta added HART's On-Call Contractor is already investigating the location of utilities in the Dillingham corridor.

Board member Terri Fujii asked if Blood Bank had already relocated, and Mr. Atta stated the donor collection portion of their operations was moved while the administrative and laboratory operations remain at the Dillingham Boulevard location.

Mr. Formby asked if the information provided in the presentation pertained to the sliver affecting the totality of the operations. Mr. Souki explained the report looked at the general impacts of the project on the Blood Bank, which is a little bit outside of what is being considered for condemnation and relocation. Mr. Atta clarified the opinions expressed were more general in nature with respect to the proximity of rail affecting blood manufacturing operations, but not based on specific threshold levels for sound, vibration, or dust. Mr. Formby said that he shared Mr. Lee's opinion, but that HART staff had determined that an expert was not needed. Mr. Souki said that the eminent domain process was designed for these types of adversarial situations.

Ms. Hanabusa called for a motion to adopt Resolution 2016-12. Mr. Kim so moved, and Mr. Lui-Kwan seconded the motion. All being in favor, Resolution 2016-12 was adopted.

- B. Resolution No. 2016-13 Authorizing the Acquisition of a Fee Simple Interest in the Real Property Identified as Tax Map Keys 2-3-004-029 and 2-3-004-079 (Portions), Located at 401 Kamakee Street and 1141 Waimanu Street Honolulu and Owned by Ka'a Limited Partnership by Eminent Domain

Mr. Atta said that the property that was the subject of Resolution 2016-13 had also been previously approved by the Board and the City Council, and was back before the Board for final authorization. The property is located in the Kakaako area; a strip of land was required for widening of the street for column placement.

Mr. Matsumoto made a motion for adoption, and Mr. Kim seconded the motion. All being in favor, Resolution 2016-13 was adopted.

- C. Resolution No. 2016-14 Authorizing the Acquisition of a Fee Simple Interest in the Real Property Identified as Tax Map Key 1-5-015-008 (Portion), Located at 1001 Dillingham Boulevard, and Owned by DTC Investments, LLC. by Eminent Domain

Mr. Atta said that the DTC Investments property involved in Resolution 2016-14 had also been before the Board and Council for approval. HART was seeking a portion of the existing sidewalk and minor building improvements for this property along Dillingham Boulevard.

Mr. Matsumoto moved to adopt, and Mr. Kim seconded the motion. All being in favor, Resolution 2016-14 was adopted.

XVII. Right of Way Update

Mr. Atta gave a PowerPoint presentation updating members on right of way acquisitions, a copy of which is attached hereto as Attachment C. Mr. Atta reiterated HART's goals in property acquisition, and provided a status summary. HART's focus remained on the Airport and Dillingham Boulevard areas. The current total site access is 95% of the total area needed. Mr. Atta briefly reported on pending eminent domain matters. To date HART has filed only five cases for eminent domain: two of these cases were settled prior to trial, two filed to resolve title issues, and one actively going through the eminent domain process. 34 properties were successfully negotiated and currently in escrow.

Mr. Atta briefly reported on the progress of site access available to contractors, divided into four sections. The first two sections are at or near 100% of total square footage obtained for construction access, the third section (Airport) at 90.95%, and the fourth section (City Center) at 22.29%.

Mr. Atta presented a breakdown of the parcel site control data provided by parcel for transparency purposes, to make the public aware that real property work would be continuing well into the construction phase of the project. He also reported on the acquisition of final agreements with government agencies.

Mr. Souki distinguished between site access and finalized acquisition transactions; site access involves gaining rights of entry to properties for construction purposes and finalized acquisition transactions means obtaining the long term fee interest for the parcels.

Mr. Atta reported on recent accomplishments, which include acquisition of 13 parcels from a single landowner, the approval of three land court subdivisions maps, the acquisition of the site for the Civic Center Station, the acquisition of the site for the Pearl Harbor Station, the execution of rights of entry for two Hawaiian Electric Co. (HECO) utility locations, as well as two possession and use agreements. He detailed the right of way budget summary and its attendant risks. Mr. Atta provided a summary of closed transactions and private property acquisition costs.

Ms. Fujii asked about section four, and Mr. Atta replied that section four included the Dillingham and City Center sections. Ms. Fujii observed that it held the potential for the most variance in cost, and Mr. Atta agreed. Mr. Grabauskas pointed out that staff had completed appraisals for City Center properties, and Mr. Atta added that projections were based on appraisals, and that actual costs to date had been within 13% of offer amounts.

Mr. Lee asked for an update on the Aloha Stadium right of entry. Mr. Atta said that HART was in active negotiations on third party agreements such as the Aloha Stadium memorandum of agreement (MOU), which requires concurrence by the Stadium Authority. Mr. Grabauskas said that the Stadium Authority would be considering the matter at its next meeting. Mr. Lee asked about any impact to schedule, and Mr. Atta said that he was comfortable that the MOU would be executed within the required timeframe.

Mr. Grabauskas asked Mr. Atta to update the Board on the Airport Postal Service parcel. Mr. Atta said that HART, with the help of the Hawaii Congressional delegation, had mutually hired

an independent appraiser with the US Postal Service, the report of which would be binding on both parties.

Mr. Formby asked whether the acquisition progress in section four was tracking relative to the design-build contracts. Mr. Atta said that it was. The acquisition must be completed in that particular corridor to stay ahead of the utility work that needs to be done in the area. While negotiations continue on several parcels, HART is working on alternatives to acquisition, such as rights of entry, in order to stay ahead of the construction schedule. Mr. Formby clarified if rights of entry permit access for planning and construction, and Mr. Atta said they are being negotiated specifically for construction.

Mr. Lui-Kwan asked Mr. Atta to comment on the Project Management Oversight Consultant Report (PMOC) report which stated the utility relocations may require an additional significant number of acquisitions. Mr. Atta stated the bulk of the acquisitions are done in support of construction and acquired on behalf of the utility companies, and will not be part of the permanent right of way. HART is using the utility companies' agreements to obtain easements on private property to move utilities, and will not be on title or in control of those areas.

Mr. Atta stated these acquisitions are included in the utilities budget, as they pertain to utility relocations. Mr. Souki stated HART is developing relationships with utilities and when issues come up, agreements between the utilities and private landowners will be in place and relocations can be done expeditiously. Mr. Atta added HART is budgeting for unanticipated relocations. To ensure work is completed in a timely manner, HART is negotiating a Memorandum of Understanding with HECO for a right of entry as opposed to an easement.

Ms. Hanabusa asked whether HECO was requiring an easement for utility relocations, and Mr. Atta said it was, but that HART and HECO had contractually agreed to a right of entry for construction. Ms. Hanabusa asked whether there was enough money anticipated in the budget. Mr. Atta said that there was adequate funding, but that the calculation was difficult because of unanticipated issues that might arise. Mr. Grabauskas added there is a utility relocation budget and money set aside for Airport and City Center utility relocation. Ms. Hanabusa clarified if the amount for relocations would be in excess of what was anticipated, and Mr. Grabauskas said it would be. Mr. Atta said that HART had budgeted about \$50 million for existing relocations to cover acquisition costs, appraisal, surveying, etc. Mr. Grabauskas stated there are separate Requests for Proposal for legal assistance, appraisals, and Land Court work, and once these are completed a better estimate can be provided.

Mr. Matsumoto asked if the \$50 million estimate is incorporated in the \$222 million budgeted for right of way, and Mr. Atta stated the amounts are separate. The \$222 million in the FFGA is for the permanent right of way for the project. Mr. Matsumoto asked about HART's capacity to accurately anticipate. Mr. Atta deferred to HART's Design and Construction staff, as they interface directly with HECO and the Hawaii State Department of Transportation (HDOT) as they encounter utilities during construction. Anticipated numbers are projected based on information from HART Design and Construction.

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Mr. Matsumoto asked about staff's degree of confidence that potential issues have been identified. Mr. Souki said that the Right of Way staff was not in the best position to opine on the matter. Mr. Grabauskas said that the HART Design and Construction staff would provide an update at the following meeting.

Mr. Kim asked if HART is working closely with HECO during the planning stages for utilities and right of way. Mr. Souki stated HART's Design and Construction staff leads coordination meetings with HECO, which a member of Right of Way staff also attends.

Mr. Matsumoto asked about the effectiveness of HART's meetings with HECO. Mr. Souki deferred to HART Design and Construction staff on this matter. Mr. Matsumoto spoke of the need for everyone to understand HART's timetable. HART Deputy Executive Director Brennon Morioka said that HART design teams had been meeting with HECO for the past three years almost weekly, and that different HECO facilities for each section were treated differently. HART was comfortable with the solutions on the east side of the alignment; along Dillingham Boulevard, the decision had been made to underground the 138 kilovolt lines, and the design team was working closely with the right of way staff to acquire easements. On the west side, HART and HECO were examining different options to deal with clearance restrictions, including employing different equipment. Mr. Morioka said that HART and HECO were fairly optimistic about the outcome. Mr. Grabauskas added that the manufacturer's representative for the potential new equipment was on site.

Mr. Matsumoto asked how receptive HECO has been. Mr. Morioka said that HECO was open to possible solutions, but that there were still challenges. Mr. Matsumoto asked about the timeline for resolution, and Mr. Morioka said that resolution for the west side would hopefully be reached in two months.

Mr. Lui-Kwan asked if negotiations have been more conciliatory in light of the recent written communication from HECO. Mr. Morioka clarified the letter Mr. Lui-Kwan was referencing was related to the sequencing of work on the project's east side contracts. HECO requested that the overhead power lines be undergrounded and energized prior to guideway construction. Mr. Morioka stated the contracts for the east side are design-build, and HART did not prescribe a methodology. He reported HART is working with HECO to improve sequencing of work.

Ms. Hanabusa said HART's agreements with HECO provide for 100% construction reimbursement to HECO. For the design-build contracts, she asked whether utility work would be paid to HECO's contractor. Mr. Morioka said that HECO pays for the work, as the scope of utility relocation was not included in HART's contractor's scope of work. He said that utilities prefer to do their own work. There is a distinction in the private utilities scope of work and HART's contractor scope of work.

Ms. Hanabusa asked Mr. Morioka to make a presentation on sequencing and undergrounding at a later date. Mr. Formby also requested a ballpark estimate for wage rates.

IX. Resolution No. 2016-15 Regarding the Position of the Board of Directors of the Honolulu Authority for Rapid Transportation on Transit Oriented Development Legislation

HART Director of Government Relations Joyce Oliveira presented a draft Resolution 2016-15 relating to the Board's position on transit oriented development (TOD) measure SB 3077 SD1, HD1, which was the remaining HART-related measure before the State Legislature. The resolution is attached hereto as Attachment D. She noted that although the measure was in conference committee, which did not accept testimony, the Board could submit a memo to the conference chair. Ms. Oliveira said that the measure sought to establish a Hawaii interagency council to oversee TOD on state lands; the agency would fall under the Department of Business, Economic Development and Tourism. She noted that the draft testimony addressed the Department of Planning and Permitting's (DPP) concerns.

Ms. Hanabusa asked about the bill's introducer, and Ms. Oliveira said that Senators Harimoto, Chun Oakland, Espero, Galuteria, Green, Inouye, and Nishihara had introduced the measure. Senate Conferees included Senators Harimoto, Wakai, Inouye, Tokuda, and Galuteria. House Conferees include Representatives Aquino, Yamane, Cullen, and Tupola.

Ms. Hanabusa asked for members' input. Mr. Lui-Kwan said that although he was comfortable with the draft resolution, he was inclined not to submit testimony if not required to do so.

Ms. Hanabusa asked whether there was a reason for HART to testify. Ms. Oliveira said that staff was not making a recommendation either way, but that the draft testimony addressed DPP's concern that with regard to maintaining TOD and the retaining responsibility of long-term planning at the county level.

Mr. Lee pointed out that HART controlled its own lands. Mr. Grabauskas said that HART held seven locations where excess lands could possibly utilized for TOD. Mr. Lee said that he would prefer HART work with the City over the State regarding development rights. Ms. Hanabusa noted that DPP Director George Atta felt similarly. She opined that HART's statement would not make much difference in conference committee.

Ms. Oliveira thanked the Board.

Ms. Hanabusa said that the Board would not take a position unless the bill was modified.

X. HART Testimony on HART-Related Council Measures

Ms. Oliveira said that HART was often asked to respond to questions that arise in City Council hearings, so staff was seeking direction from the Board regarding staff testimony before Council, as it had provided with regard to testimony before the State Legislature.

Ms. Hanabusa opined that the process before Council should be consistent with that before the State Legislature. Staff could respond accordingly to updates on established matters. With regard to the Board's position on legislation, staff should bring such matters to the Board. Ms.

Oliveira said that the City Council did not require written testimony to accompany verbal testimony.

Ms. Hanabusa called for a motion to approve the testimony process regarding HART-related Council Measures. Mr. Kim so moved, and Mr. Lui-Kwan seconded the motion. All being in favor, the motion carried unanimously.

XI. HART Testimony on HART-Related Charter Amendment Proposals

Ms. Oliveira said that in his capacity as interim HART Board Chair, Mr. Kim had received a letter from the Honolulu Charter Commission to appear before its permitted interaction group to speak to the proposals put forth by HART and the Administration. Mr. Grabauskas added that former chair Mr. Horner had also received such a letter prior to his departure.

Ms. Hanabusa asked whether the Charter Commission sought input on the proposed merger between HART and DTS. Ms. Oliveira confirmed that was the case. Ms. Hanabusa noted that the Administration's proposal differed from the current setup under the current City Charter. She noted her concern over the agreement between HART and Ansaldo Honolulu Joint Venture for operations, and how any change may affect the arrangement. Deputy Corporation Counsel Lisa Hirahara said that her office would opine on the matter, but that upon HART's inception, a Charter provision had transferred all of the City's liabilities and obligations with respect to rail over to HART. She opined that there would be a similar Charter amendment should the Administration's proposal be effected.

Mr. Lee said that it made sense for HART to finish construction, then have DTS or the City take over. Mr. Formby agreed that the City was seeking one intermodal operating entity. Ms. Hanabusa said that the Board supported one intermodal system, and that it should leave it to the wisdom of the Charter Commission to decide on the entity.

Ms. Fujii asked whether the Board was willing to accept that. Mr. Formby said that the proposals were for a committee or the Administration to decide.

Rose Pou provided testimony questioning the effects of salt air on the rail cars. She opposed the merger of bus and rail, as she felt that rail would take money away from the HandiVan.

XII. Update on First Rail Cars

HART Director of Core Systems Justin Garrod made a PowerPoint presentation updating the Board on the first four rail cars, a copy of which is attached hereto as Attachment E. He said that the carshells had been built in Reggio Calabria, Italy, then shipped to Pittsburg, California for final assembly. There, cabling, windows, doors, floors, interiors were installed. The cars had been shipped to Honolulu via Pasha ship. The cars had been coupled together at the Rail Operations Center (ROC).

Ms. Hanabusa asked about Ms. Pou's concerns regarding rust. Mr. Garrod said that although the cars were not stored indoors, the steel components were painted to protect them. In addition, metal components were either made from stainless steel or heavily painted.

XIII. Limited Meeting for Unveiling of First Rail Cars on May 2, 2016

Mr. Grabauskas said that the number of Board members would be limited to five under the Sunshine Law, and solicited Board members' interest in attending. Mr. Kim asked the reason for the limit. Ms. Hirahara said that the previous limited meetings were because the locations were dangerous to the health or safety of the public. Because the train unveiling would not be dangerous to the public, this event would not qualify as a limited meeting. Mr. Grabauskas said that the event would be held in the parking lot of the ROC, and that the third rail would not be activated, so it would be safe.

XIV. Revision to Change Order Procedure

Mr. Grabauskas said that this agenda item related to which body heard change orders, which were currently with the joint Finance and Project Oversight Committee. That arrangement requires the majority of both committees to act.

Mr. Lui-Kwan suggested that change orders be heard by the full Board to avoid a situation in which even six votes could result in a failed action. Ms. Hanabusa agreed and called for public testimony. There was none.

Mr. Lui-Kwan made a motion to have the full Board hear change orders, and Mr. Formby seconded the motion. All being in favor, the motion carried unanimously.

XV. Archaeological Inventory Survey Provisional Sum Reconciliation Credit

Mr. Grabauskas said that the item before the Board, which would be presented by HART Project Manager John Moore was a change order, despite it being a credit. The PowerPoint presentation is attached hereto as Attachment F. He posed the question of whether the Board would like to approve credits of over \$1 million. He said that a staff member had advised that the federal practice was to consider the absolute value of a change order, without regard to whether it was positive or negative.

Mr. Kim said that any change order over a million should come before the Board.

Ms. Fujii expressed her opinion that credits should come before the Board. Mr. Lee agreed.

Ms. Hanabusa said that the Board members were in concurrence that any change orders with the absolute value of \$1 million should come before the Board.

Mr. Moore went on to explain the history of the provisional sum change orders associated with the Archaeological Inventory Survey suspension. He said that following the construction suspension of August 2012 as a result of the Supreme Court of Hawaii's decision, HART partially suspended the Kamehameha Highway Guideway (KHG) and West Oahu/Farrington Highway (WOFH) contracts. HART had determined that the suspension would be in place for approximately 12 months. He said that HART and Kiewit determined which staff and equipment would be demobilized, keeping in mind that HART wanted to preserve the work that

had already been accomplished, and preserve high cost equipment that was not ordinarily on-island.

Mr. Moore went on to say that under the contract, only actual costs are allowed for suspension payments. Accordingly, HART determined on a monthly basis what was being billed for labor and equipment during the suspension period, which was followed by an audit by TM Financials. At the outset of the suspension, Kiewit's rough order of magnitude estimate for the suspension costs was \$9 million for KHG and \$45.2 million for WOFH. HART staff estimated \$3 million for KHG and \$35 million for WOFH. Two sets of provisional sums were put in place for each contract, totaling \$1.5 million for KHG and \$23.4 million for WOFH

Mr. Moore reported that the provisional sum represented a limit, much like a checkbook, which could be drawn against. He said that the audit revealed some costs that were not appropriate or did not apply; HART reached an agreement with Kiewit on the final suspension costs. They were \$4,476,176 for KHG and \$23,376,400 for WOFH. As a result, there would be a credit for KHG of \$1,223,824 and for WOFH of \$3,023,600 for moneys that would be returned to the contract contingency. Mr. Moore noted a typographical error on the slide entitled "AIS Delay Provisional Sum Summary" in the "Final Reconciled 'Audited' Costs" column, which should total \$24.9 million.

Mr. Lui-Kwan moved to approve the change order, and Ms. Fujii seconded the motion. Mr. Lui-Kwan thanked Mr. Moore. All being in favor, the motion carried unanimously.

XVI. Construction and Traffic Update

HART West Side Construction Manager Kai Nani Kraut made a presentation updating the Board on construction and traffic. A copy of the presentation is attached hereto as Attachment H. She reported that the Rail Operations Center was very close to substantial completion. The WOFH guideway was 80 percent complete, with substantial completion scheduled for July 2016. The contractor has been mobilized on the West Oahu stations, and HART was awaiting a right of entry from Hoopili. The schedule for the Farrington Highway stations were being developed. The KHG contract was at 30 percent completion, with substantial completion expected in September 2016. Work on unforeseen utility matters was occurring on the H2R2 ramp. The notice to proceed was issued on April 1st for the Kamehameha Highway stations group.

HART East Side Construction Manager Kevin Cox reported that the Airport Utility construction was about 50 percent complete. He said that the delays were due to delays in obtaining access, as well as unforeseen conditions and utilities. Mr. Cox reported that the Airport and City Center design build contracts were out for procurement, with the Airport contract anticipated to be awarded in July 2016, and the City Center contract bids were anticipated to be received in October 2016, which was a recent change from the date reflected in the presentation.

Mr. Kim asked about a Facebook post about a cracked section of the guideway. Ms. Kraut said that there had been issues with some segments, which HART was working with Kiewit on. HART Director of Design and Construction Chris Takashige clarified that the post was not recent, and that the guideway section had been repaired.

Mr. Formby said that he had received e-mails about karst and flood plans, and wanted to ensure that HART had complied with the environmental impact statement process with regard to those matters. He requested that staff review the matters to ensure that it would not delay the project.

Ms. Hanabusa said that the March Project Management Oversight Contractor (PMOC) report notes that HART and the contractor had still not reached a resolution on WOFH span 17, which was damaged and repaired. Mr. Takashige said that the repairs on span 17 had been accepted. He distinguished it from the span referred to by Mr. Kim.

Ms. Hanabusa asked about the plinthless track referred to in the PMOC reports. Mr. Takashige explained that the whole system is plinthless, meaning that the track is directly affixed to the guideway surface. When the rail exceeds the spacing tolerance with the guideway than is contractually provided for, shims are installed to make up for the tolerance. Mr. Grabauskas added that most elevated guideway systems employ plinths under the rails. The City had determined that it would not employ plinths to save money. However, Kiewit must install the tracks with a 9/16" tolerance, whereas the use of plinths allows more flexibility. To resolve the issue, HART and Kiewit employed pads that act as a shim, based on a system employed in Vancouver for 25 years.

Ms. Hanabusa asked how HART would address the issue of the "original geometry" not working, which was raised by the PMOC, and asked what the distance was that was not in compliance with the contract. Mr. Takashige said that portions of WOFH, approximately the first five miles, were not in compliance. As the contractor proceeded along the guideway, they got better at installing the track.

Ms. Hanabusa asked about nonconforming reports (NCRs), which increased within the last two or three months. Mr. Takashige said he would look at it and get back to Ms. Hanabusa. Ms. Kraut added that NCRs were HART's way of documenting its concerns.

Mr. Formby asked about plinths in the Airport and City Center sections. Mr. Takashige said that plinths would be employed on the east side. Mr. Cox clarified that there were some plinths in the first ten miles in areas of special trackwork. Ms. Hanabusa asked about the longevity of plinths versus shimming. Mr. Grabauskas said that the pads employed by the Vancouver system has the equivalent life span of a plinth. He added that there would be about 30 areas where additional pads would be required.

Mr. Formby asked the reason for the change to plinths on the east side. Mr. Takashige said the decision was based on experience from the west side.

Mr. Kim asked about the change in procurement timeline for the City Center contract. Mr. Cox said that the timeline was extended in order to allow interested contractors the time to bid both on the Airport and City Center sections.

Ms. Hanabusa asked about the remaining agenda items that required Board action, as the Board would soon lose quorum. Board Administrator Cindy Matsushita advised that item XXII, the extension of the deadline to evaluate the Executive Director and CEO, was the remaining action

item. Ms. Hanabusa said that with members' permission, item XXII and the executive session associated with item XXIII would be taken out of order.

XXII. Extension of Deadline to Evaluate Executive Director & CEO

Ms. Hanabua said that an extensive discussion had taken place earlier that morning in the Human Resources Committee meeting, which had agreed to a 60-day extension for the Executive Director's evaluation period, with the concurrence of the Executive Director. Ms. Hanabusa called for a motion to approve the extension. Mr. Lui-Kwan so moved, and Ms. Fujii seconded the motion. All being in favor, the motion carried unanimously.

XXIII. Executive Director & CEO's Performance Evaluation and Upcoming Performance Objectives

Executive session

Ms. Hanabusa called for a motion to enter into executive session pursuant to Hawaii Revised Statutes Section 92-4 and Subsections 92-5(a)(4) and 92-5(a)(2), to consider the Annual Evaluation of the Executive Director/CEO where consideration of matters affecting privacy will be involved, and to consult with the Committee's/Board's attorneys on questions and issues pertaining to the Committee's/Board's powers, duties, privileges, immunities and liabilities with regard to these matters. Mr. Kim so moved, and Mr. Matsumoto seconded the motion.

The Board entered into executive session at 3:43 p.m.

The Board re-entered public session at 4:00 p.m.

Ms. Hanabusa stated the Board would have until June 2016 to finalize their evaluation of HART's Executive Director, and as part of the evaluation would be investigating certain matters. The discussion would be continued at the subsequent Board meeting. Ms. Hanabusa noted the loss of quorum, and stated the remaining issues on the agenda require the full Board. The remaining items on the agenda were deferred to the next Board meeting.

XVIII. March Monthly Progress Report

XIX. March Project Management Oversight Contractor Report

XX. HART's Management Response to City Auditor's Report

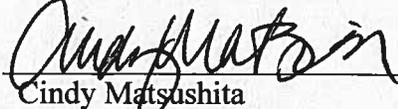
XXI. Discussion Regarding Pearl Highlands Parking Garage Request for Information

XVI. Executive Director & CEO's Report

XV. Adjournment

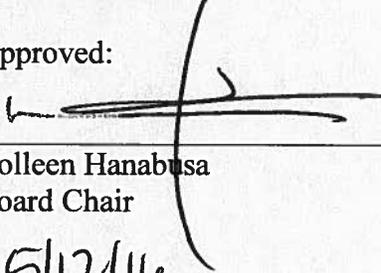
The meeting was adjourned at 4:02 p.m.

Respectfully Submitted,



Cindy Matsushita
Board Administrator

Approved:



Colleen Hanabusa
Board Chair

5/12/14

Date

ATTACHMENT A

FY 2017 Capital Budget Re- Appropriation Request

April 21, 2016

FY 2016 Re-Appropriations

- Budget Meeting in November 2015
 - Said we would return to this Committee
 - Update Capital Budget Appropriation Request per passage of GET Surcharge Extension & updated project cost
- Board Policy budget authorization is for one year, lapsing each June 30th.
- If contracts in current FY 16 budget not awarded by June 30, 2016, those costs need to be re-appropriated from FY 2016 to FY 2017

Summary

- Requesting the Finance Committee approve an update to the FY 2017 CIP Budget:
 - To update appropriation now that the GET surcharge extension has passed with current cost estimates
 - Re-appropriate unused funds that would otherwise lapse on June 30, 2016
 - Approval of re-appropriations totaling \$2.354 billion, an increase of \$797 million over existing FY 2016 appropriations.

FY 2017 CIP Update

- Construction Contracts:
 - City Center Guideway and Station Group
 - 4.16 miles of Guideway and 8 stations
 - Airport Guideway and Station Group
 - 5.15 miles of guideway and 4 stations
 - Pearl Highlands Parking Garage and Transit Center
 - Transit Center, 1,600 space parking garage, and H2 Ramp
- Other:
 - Right of Way, Utilities, and contingency carryover

FY 2017 CIP Re-Appropriation Update

		Original FFGA Budget (June 2012)	HART Appropriation			City Appropriation	
			HART Current FY 2016 Appropriations	Requested FY 2017 HART Budget	Change from Current HART Appropriation	City 2 Year Authorization End Date	City Council Requested FY 2017 Budget
Original Construction Contracts:							
Airport and City Center Sections Guideway	Original contract plan was for 9.31 miles of Guideway, stations contracts were separate from the guideway contract	\$682,463,200	\$682,463,200			June 30, 2016	
Airport Station Group Construction	Original contract plan included 4 stations in the Airport Station Group	\$63,346,900	\$63,346,900			June 30, 2016	
City Center Stations: Dillingham SG, Kaka`ako SG Construction	Original contract plan included 8 stations in the City Center Section	\$122,502,100	\$122,502,100			June 30, 2017	-\$122,502,100
City Center Section Utilities Construction	Under the original contract plan, City Center utilities would be a separate contract	\$63,025,100	\$63,025,100			June 30, 2016	
Pearl Highlands Garage/Bus Transit Ctr.	Original Design-Bid-Build (DBB) contract	\$155,591,300	\$155,591,300			June 30, 2016	
Pearl Highlands Garage/Bus Ctr. (Design)	Design portion of the DBB contract	\$17,916,100	\$17,916,100			June 30, 2017	-\$17,916,100
Repackaging Update:							
Airport Guideway and Station Group	Current contract package for 5.15 miles of guideway and 4 stations: Pearl Harbor, Airport, Lagoon Dr., and Middle St.			\$820,000,000			\$820,000,000
City Center Guideway and Station Group	Current Contract Package for 4.16 miles of guideway, utilities, and 8 Stations: Kalihi, Kapalama, Iwilei, Chinatown, Downtown, Civic Center, Kaka`ako; and Ala Moana			\$866,000,000			\$866,000,000
Pearl Highlands Garage/Bus Transit Ctr.	Current Design Build package			\$258,000,000			\$258,000,000
Total Construction Contracts		\$1,104,844,700	\$1,104,844,700	\$1,944,000,000	\$839,155,300		\$1,803,581,800
Other Reappropriations:							
Right of Way	Projected remaining appropriations to acquire property and relocate	\$194,197,947	\$118,200,000	\$85,000,000		June 30, 2016	\$85,000,000
Utilities	Projected remaining appropriations for utility contracts	\$132,689,208	\$84,000,000	\$75,000,000		June 30, 2016	\$75,000,000
Total Other Reappropriations		\$326,887,155	\$202,200,000	\$160,000,000	(\$42,200,000)		\$160,000,000
Contingency Reappropriations:		\$643,600,000	\$250,000,000	\$250,000,000		June 30, 2017	\$0
Total Re-Appropriations for FY 2017 CIP Budget		\$2,075,331,855	\$1,557,044,700	\$2,354,000,000	\$796,955,300		\$1,963,581,800
Approved by Finance Committee on 11/24/2015	Submitted to City Council			\$182,299,000			\$182,299,000
Grand Total FY 2017 CIP Budget				\$2,536,299,000			\$2,145,880,800

Mahalo

Questions?

Recap of FY 2017 CIP Budget

Original Requested FY 2017 Capital Budget:								
Cost Type	CPP Number	Contract Name	Construction	Design	Planning	Contingency	Proposed FY 2017	
Contract	DBB600	Park-and-Ride Lots Construction	\$ 7,351,000				\$ 7,351,000	
	MI930	Project-wide Elevator / Escalator	\$ 15,354,000				\$ 15,354,000	
	MM290	Westside Construction Eng. & Inspection (CE&I) Svcs.	\$ 5,923,000				\$ 5,923,000	
	MM920	HDOT Coordination Consultant - West Oahu/Farrington		\$ 750,000			\$ 750,000	
	MM921	HDOT Coordination Consultant – Kamehameha Section		\$ 1,000,000			\$ 1,000,000	
	MM922	HDOT Coordination Consultant - Airport Section		\$ 2,000,000			\$ 2,000,000	
	MM930	HDOT State Safety Oversight Agency (SOA) Consultant		\$ 591,000			\$ 591,000	
	MM940	Kako'o Consultant			\$ 400,000		\$ 400,000	
	MM947	On-Call Contractor 2	\$ 1,000,000				\$ 1,000,000	
	MM951	Owner-Controlled Insurance Program (OCIP)	\$ 8,000,000				\$ 8,000,000	
	MM962	Core Systems Contract Oversight Consultant	\$ 8,770,000				\$ 8,770,000	
	MM964	Safety & Security Certification Consultant	\$ 800,000				\$ 800,000	
	MM975	LEED Commissioning Services for MSF	\$ 15,000				\$ 15,000	
	PA101	Programmatic Agreement– Humanities Program			\$ 110,000		\$ 110,000	
	PA103	Programmatic Agreement– HPC Park Improvements			\$ 113,000		\$ 113,000	
Contract Total			\$ 47,213,000	\$ 4,341,000	\$ 623,000		\$ 52,177,000	
Contingency	Project Contingency					\$ 70,000,000	\$ 70,000,000	
Contingency	Unallocated Contingency					\$ 60,122,000	\$ 60,122,000	
Contingency Total						130,122,000	130,122,000	
Original Requested FY 2017 Capital Budget			\$ 47,213,000	\$ 4,341,000	\$ 623,000	\$ 130,122,000	\$ 182,299,000	
Updated Capital Re-Appropriations:								
						HART Board Revised FY 2017	City Appropriations that Continue through 6/30/2017	City Council Total Revised FY 2017
			Construction	Design	Planning	Contingency		
UTIL		Private Utility Relocation	\$ 75,000,000			\$ -	\$ 75,000,000	\$ 75,000,000
ROW		Right of Way	\$ 85,000,000			\$ -	\$ 85,000,000	\$ 85,000,000
DB275		Pearl Highlands Parking Garage and Bus Terminal	\$ 258,000,000			\$ -	\$ 258,000,000	\$ (17,916,100) \$ 240,083,900
DB450		Airport Section Guideway and Station Group	\$ 820,000,000			\$ -	\$ 820,000,000	\$ 820,000,000
DB550		City Center Section Guideway and Station Group	\$ 866,000,000			\$ -	\$ 866,000,000	\$ (122,502,100) \$ 743,497,900
Subtotal			\$ 2,104,000,000	\$ -	\$ -	\$ -	\$ 2,104,000,000	\$ (140,418,200) \$ 1,963,581,800
Contingency		Contingency Re-Appropriation	\$ -	\$ -	\$ -	\$ 250,000,000	\$ 250,000,000	\$ (250,000,000) \$ -
Total Updated FY 2017 Capital Re-Appropriations			\$ 2,104,000,000	\$ -	\$ -	\$ 250,000,000	\$ 2,354,000,000	\$ (390,418,200) \$1,963,581,800
Grand Total FY 2017 CIP Request			\$ 2,151,213,000	\$ 4,341,000	\$ 623,000	\$ 380,122,000	\$ 2,536,299,000	\$ (390,418,200) \$2,145,880,800

FY 2017 CIP HART Board and City Council

	Board Requested FY 2017 Re-Appropriation CIP Budget	City 2 Year Authorization End Date	City Requested FY 2017 Re-Appropriation CIP Budget
Construction Contracts:			
Airport Guideway and Station Group	\$820,000,000		\$820,000,000
City Center Guideway and Station Group	\$866,000,000		\$866,000,000
City Center Stations: Dillingham/ Kaka`ako SG	\$0	June 30, 2017	-\$122,502,100
Pearl Highlands Garage / Bus Transit Center	\$258,000,000		\$258,000,000
Pearl Highlands (Design)	\$0	June 30, 2017	-\$17,916,100
Total Construction Contracts	\$1,944,000,000		\$1,803,581,800
Other Reappropriations:			
Right of Way	\$85,000,000		\$85,000,000
Utilities	\$75,000,000		\$75,000,000
Total Other Reappropriations	\$160,000,000		\$160,000,000
Contingency Reappropriations:	\$250,000,000	June 30, 2017	\$0
Total Updated FY 2017 Capital Re-Appropriations	\$2,354,000,000		\$1,963,581,800
Approved by Finance Committee on 11/24/2015	\$182,299,000		\$182,299,000
Grand Total FY 2017 CIP Budget	\$2,536,299,000		\$2,145,880,800

ATTACHMENT B

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-12

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENT IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-011 AND 1-2-009-098 (PORTIONS), LOCATED AT 2043 DILLINGHAM BOULEVARD, AND OWNED BY BLOOD BANK REAL PROPERTY, INC. BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Keys (TMKs) 1-2-009-011 and 1-2-009-098 (Portions) by eminent domain in fee simple and temporary construction easement after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple and temporary construction easement of the above- identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple and temporary construction easement of the real property identified as TMKs 1-2-009-011 and 1-2-009-098 (Portions) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and

3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMKs 1-2-009-011 and 1-2-009-098 (Portions)

HONOLULU RAIL TRANSIT PROJECT

PARCEL 400-A

Being portions of Lot as shown on DPP 1969/SUB-231,
 Lots 7 and 9, Block 9 of "Kapiolani Tract",
 Being portions of Grant 3420 to Curtis P. Iaukea,
 Trustee for his Majesty Kalakaua and
 Land Patent 8194, Land Commission Award 6450,
 Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this lot, being the North corner of Parcel 400-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,189.98 feet North and 11,261.27 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|--------------|--------|-------|---|
| 1. | 42° 20' | 10.90 | feet | along Parcel 400-B of the Honolulu Rail Transit Project; |
| 2. | 132° 20' | 98.14 | feet | along Remainder of Parcel 400-A of Honolulu Rail Transit Project; |
| 3. | 42° 20' | 2.00 | feet | along same; |
| 4. | 132° 20' | 10.57 | feet | along same; |
| | | | | Thence along same, on a curve to the left with a radius of 2,221.02 feet, the chord azimuth and distance being: |
| 5. | 130° 49' 18" | 117.18 | feet; | |
| | | | | Thence along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 6. | 115° 06' 12" | 14.73 | feet; | |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SILDNER STREET, SUITE 621
 HONOLULU, HAWAII 96817-8031

CIVIL ENGINEERS - SURVEYORS
 1871 WILI PA LOOP, SUITE A
 WAILUKU, MAUI, HAWAII 96793

100 PALIARI STREET, SUITE 207
 HILO, HAWAII 96720

Thence along the South side of Puuhale Road, on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:

7. 288° 52' 31.59 feet;

8. 307° 17' 9.02 feet along the West side of Dillingham Boulevard;

Thence along same, on a curve to the right with a radius of 1,797.29 feet, the chord azimuth and distance being:

9. 309° 48' 30" 158.36 feet;

10. 312° 20' 43.75 feet along same to the point of beginning and containing an area of 2,297 Square Feet.

Subject, However, to Easement 1 for sidewalk purposes.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro exp 4/16

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 011
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HONOLULU RAIL TRANSIT PROJECT

PARCEL 400-B

Being a portion of Lot 11, Block 9 of "Kapiolani Tract"
 Being a portion of Land Patent 8194, Land Commission Award 6450,
 Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being the Southeast corner of Parcel 400-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,189.98 feet North and 11,261.27 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|------|--|
| 1. | 312° 20' | 50.00 | feet | along the South side of
Dillingham Boulevard; |
| 2. | 42° 20' | 12.90 | feet | along Parcel 401-A of the
Honolulu Rail Transit Project; |
| 3. | 132° 20' | 9.76 | feet | along Remainder of Parcel 400-
B of the Honolulu Rail Transit
Project; |
| 4. | 222° 20' | 2.00 | feet | along same; |
| 5. | 132° 20' | 40.24 | feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
 HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
 WAILUKU, MAUI, HAWAII 96793

100 PAUHI STREET, SUITE 207
 HILO, HAWAII 96720

6. 222° 20' 10.90 feet along Parcel 400-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 564 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with "EXP 04/16" written to the right of the signature.

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 098
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HONOLULU RAIL TRANSIT PROJECT

**EASEMENT A
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Remainder of Parcel 400-A
of the Honolulu Rail Transit Project
Being portions of Lot as shown on DPP 1969/SUB-231,
Lots 7 and 9, Block 9 of "Kapiolani Tract",
Being portions of Grant 3420 to Curtis P. Iaukea,
Trustee for his Majesty Kalakaua and
Land Patent 8194, Land Commission Award 6450,
Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being an azimuth and distance of 220°37' 33.95 feet from the Northwest corner of Remainder of Parcel 400-A of the Honolulu Rail Transit Project, being also along the Southeast side of Puuhale Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,319.06 feet North and 11,490.68 feet West thence running by azimuths measured clockwise from true South:

Along the Southeast side of Puuhale Road, on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:

1. 245° 32' 42.13 feet;

Thence along Parcel 400-A of the Honolulu Rail Transit Project, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

2. 295° 06' 12" 14.73 feet;

Thence along same, on a curve to the right with a radius of 2,221.02 feet, the chord azimuth and distance being:

3. 310° 49' 18" 117.18 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUJAH STREET, SUITE 207
HILO, HAWAII 96720

4.	312° 20'	10.57	feet	along same;
5.	42° 20'	4.00	feet	along remainder of Remainder of Parcel 400-A;
6.	131° 50'	56.93	feet	along same;
7.	42° 20'	26.18	feet	along same;
8.	132° 20'	6.14	feet	along same;
9.	222° 20'	3.83	feet	along same;
10.	132° 20'	18.22	feet	along same;
11.	222° 20'	21.73	feet	along same;
12.	129° 50'	48.81	feet	along same;
13.	42° 20'	6.53	feet	along same;
14.	132° 20'	8.02	feet	along same;
15.	42° 20'	9.18	feet	along same;
16.	132° 20'	8.68	feet	along same;
17.	42° 20'	16.53	feet	along same;

Thence along same, on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:

18.	80° 44' 30"	6.21	feet;
-----	-------------	------	-------



19. 119° 09'

7.98 feet along same, to the point of beginning and containing an area of 1,551 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro BYE 04/16

ERIK S. KANESHIRO
 Licensed Professional Land Surveyor
 Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 011
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HONOLULU RAIL TRANSIT PROJECT

**EASEMENT B
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Remainder of Parcel 400-B
of the Honolulu Rail Transit Project
Being a portion of Lot 11, Block 9 of "Kapiolani Tract"
Being a portion of Land Patent 8194,
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this easement, being the Southwest corner of Parcel 400-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:

1. 42° 20' 4.00 feet along Remainder of Parcel 401-A of the Honolulu Rail Transit Project;
2. 132° 20' 9.76 feet along remainder of Remainder of Parcel 400-B of the Honolulu Rail Transit Project;
3. 222° 20' 4.00 feet along same,



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

601 SUMNER STREET, SUITE 821
HONOLULU, HAWAII 96817-3031

CIVIL ENGINEERS • SURVEYORS
1871 WILS PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALUHI STREET, SUITE 207
HILO, HAWAII 96720

4. 312° 20'

9.76 feet along Parcel 400-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 39 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro Exp 04/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii

July 16, 2015

TMK: (1) 1-2-009: 098

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

801 SUMNER STREET, SUITE 821
HONOLULU, HAWAII 96817-5031

CIVIL ENGINEERS • SURVEYORS

1871 WIL PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALAH STREET, SUITE 212
HILLO, HAWAII 96720

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-12 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENT IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-011 and 1-2-009-098 (PORTIONS) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Keys 1-2-009-011 and 1-2-009-098 situated at 2043 Dillingham Boulevard, Honolulu, Hawaii 96817 which is required for guideway construction of the Honolulu Rail Transit Project (HRTTP). The property is owned by Blood Bank Real Property, Inc.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-4 on February 24, 2016. The City Council adopted Resolution No. 16-48 approving the action on March 16, 2016. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

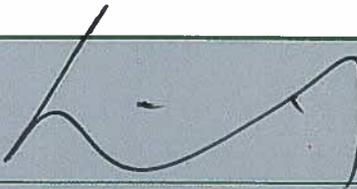
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

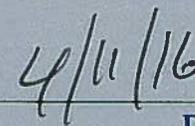
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-13

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-004-029 AND 2-3-004-079 (PORTIONS), LOCATED AT 401 KAMAKEE STREET AND 1141 WAIMANU STREET HONOLULU AND OWNED BY KA'A LIMITED PARTNERSHIP BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Keys (TMKs) 2-3-004-029 and 2-3-004-079 (Portions) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple of the real property identified as TMKs 2-3-004-029 and 2-3-004-079 (Portions) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of

settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMKs 2-3-004-029 and 2-3-004-079 (Portions)

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PARCEL 474-A

Being all of Lot 456, as shown on Map 46 and Portions of Lot 452, as shown on Map 45, Lot 454 as shown on Map 46, and Lot 457, as shown on Map 47, Block 24, of Land Court Application 670.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this parcel of land, at the East intersection of Queen Street Extension and Kamakee Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6409.74 feet South and 865.68 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-------------|--|
| 1. | 231° 52' | 25.38 feet | along the Easterly side of Kamakee Street: |
| 2. | 321° 52' | 9.60 feet | along remainder of Lot 452, (Map 42), Block 24, of Land Court Application 670; |
| | | | thence along remainders of Lot 454, (Map 46), and Lot 457 (Map 47), Block 24, of Land Court Application 670, on a curve to the left with a radius of 20.50 feet, the chord azimuth and distance being: |
| 3. | 6° 52' | 28.99 feet; | |
| 4. | 321° 52' | 69.90 feet | along remainder of Lot 457 (Map 47), Block 24, of Land Court Application 670; |
| 5. | 51° 52' | 4.89 feet | along Lot 1-A-2 (Map 24) of Land Court Consolidation 53 and along a jog on the Northerly side of Queen Street Extension; |

6. 141° 52' 100.00 feet

along the Northerly side of Queen Street Extension to the point of beginning and containing an area of 776 square feet.



1320 North School Street
Honolulu, Hawaii 96817

September 16, 2015

Tax Map Key: (1st Div.) 2-3-04: 29 Portion
14-73

Description Prepared By:
Engineers Surveyors Hawaii, Inc.

A handwritten signature in black ink, appearing to read "Miles S. Horie", written over a horizontal line.

Miles S. Horie Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10007

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Parcel 474-B

Being a portion of Lot 1-A-2 as shown on Map 24 of Land Court Consolidation 53.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the West corner of this parcel of land, being also the South corner of Lot 457, (Map 47), Block 24, of Land Court Application 670 on the Northerly side of Queen Street Extension, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6488.09 feet South and 803.54 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|------------|---|
| 1. | 231° 52' | 4.39 feet | along Lot 457, (Map 47), Block 24, of Land Court Application 670; |
| 2. | 321° 52' | 10.42 feet | along remainder of Lot 1-A-2 (Map 24) of Land Court Consolidation 53; |
| 3. | 51° 52' | 3.72 feet | along Lot 1-A-1, (Map 24,) of Land Court Consolidation 53; |

thence along the Northerly side of Queen Street Extension, on a curve to the right with a radius of 392.00 feet, the azimuth to the radial center being 227° 27' 24", the chord azimuth and distance being:

4. 138° 13' 12" 10.44 feet to the point of beginning and containing an area of 43 square feet.



1320 North School Street
Honolulu, Hawaii 96817

September 16, 2015
Tax Map Key: (1st Div.) 2-3-04: 79 Portion

14.73

Description Prepared By:
Engineers Surveyors Hawaii, Inc.


Miles S. Horie Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10007

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-13 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-004-029 AND 2-3-004-079 (PORTIONS) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Keys 2-3-004-029 and 2-3-004-079 situated at 401 Kamakee Street and 1141 Waimanu Street, Honolulu, Hawaii 96814 which is required for guideway construction of the Honolulu Rail Transit Project (H RTP). The property is owned by Ka'a Limited Partnership.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-2 on February 4, 2016. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

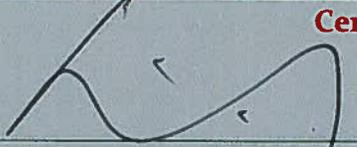
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

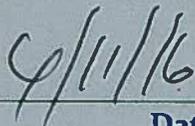
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-14

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-008 (PORTION), LOCATED AT 1001 DILLINGHAM BOULEVARD, AND OWNED BY DTC INVESTMENTS, LLC. BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-015-008 (Portion) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-015-008 (Portion) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMK 1-5-015-008 (Portion)

DRAFT

HONOLULU RAIL TRANSIT PROJECT

PARCEL 425

Being a portion of Lot 5 (Map 4) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 424-C of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,343.81 feet North and 7,875.29 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|--------|------|--|
| 1. | 302° 04' | 352.85 | feet | along the South side of
Dillingham Boulevard; |
| 2. | 32° 04' | 5.00 | feet | along Parcel 426 of the
Honolulu Rail Transit Project; |
| 3. | 122° 04' | 224.53 | feet | along Remainder of Parcels 425
and 425-A of Honolulu Rail
Transit Project; |
| 4. | 120° 38' | 128.36 | feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKI MAUI HAWAII 96793

100 PAUAAHI STREET, SUITE 207
HILLO HAWAII 96720

5. 212° 04'

8.21 feet along Parcel 424-C of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,970 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro exp 04/16

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
January 20, 2016

TMK: (1) 1-5-015: 008
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 425.docx



HONOLULU RAIL TRANSIT PROJECT

PARCEL 425-A

Being a portion of Lot 5 (Map 4) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 425 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,336.85 feet North and 7,879.65 feet West thence running by azimuths measured clockwise from true South:

1. 300° 38' 35.89 feet along Parcel 425 of the Honolulu Rail Transit Project;
2. 32° 04' 22.70 feet along the remainder of Remainder of Parcels 425 and 425-A of the Honolulu Rail Transit Project;
3. 122° 04' 35.88 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKII MAUI, HAWAII 96793

100 PAUHI STREET, SUITE 207
HILO, HAWAII 96720

4. 212° 04' 21.80 feet along Remainder of Parcel 424-C of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 798 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

 EXP 04/16
ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
January 21, 2016

TMK: (1) 1-5-015: 008
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 425 - Easement A.docx



Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-14 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-008 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 1-5-015-008 situated at 1001 Dillingham Boulevard, Honolulu, Hawaii 96817 which is required for guideway construction of the Honolulu Rail Transit Project (HRT). The property is owned by DTC Investments, LLC.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-1 on February 4, 2016. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

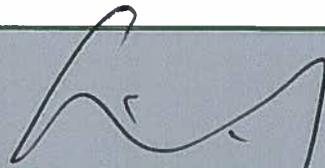
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

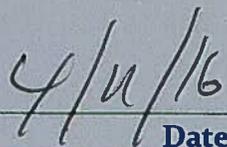
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-12

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENT IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-011 AND 1-2-009-098 (PORTIONS), LOCATED AT 2043 DILLINGHAM BOULEVARD, AND OWNED BY BLOOD BANK REAL PROPERTY, INC. BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Keys (TMKs) 1-2-009-011 and 1-2-009-098 (Portions) by eminent domain in fee simple and temporary construction easement after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple and temporary construction easement of the above- identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple and temporary construction easement of the real property identified as TMKs 1-2-009-011 and 1-2-009-098 (Portions) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and

3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and
5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

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

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMKs 1-2-009-011 and 1-2-009-098 (Portions)

HONOLULU RAIL TRANSIT PROJECT

PARCEL 400-A

Being portions of Lot as shown on DPP 1969/SUB-231,
 Lots 7 and 9, Block 9 of "Kapiolani Tract",
 Being portions of Grant 3420 to Curtis P. Iaukea,
 Trustee for his Majesty Kalakaua and
 Land Patent 8194, Land Commission Award 6450,
 Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this lot, being the North corner of Parcel 400-B of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,189.98 feet North and 11,261.27 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|--------------|--------|-------|---|
| 1. | 42° 20' | 10.90 | feet | along Parcel 400-B of the Honolulu Rail Transit Project; |
| 2. | 132° 20' | 98.14 | feet | along Remainder of Parcel 400-A of Honolulu Rail Transit Project; |
| 3. | 42° 20' | 2.00 | feet | along same; |
| 4. | 132° 20' | 10.57 | feet | along same; |
| | | | | Thence along same, on a curve to the left with a radius of 2,221.02 feet, the chord azimuth and distance being: |
| 5. | 130° 49' 18" | 117.18 | feet; | |
| | | | | Thence along same, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: |
| 6. | 115° 06' 12" | 14.73 | feet; | |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

501 SILDNER STREET, SUITE 621
 HONOLULU, HAWAII 96817-8031

CIVIL ENGINEERS - SURVEYORS
 1871 WILI PA LOOP, SUITE A
 WAILUKU, MAUI, HAWAII 96793

100 PALIANI STREET, SUITE 207
 HILO, HAWAII 96720

Thence along the South side of Puuhale Road, on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:

7. 288° 52' 31.59 feet;

8. 307° 17' 9.02 feet along the West side of Dillingham Boulevard;

Thence along same, on a curve to the right with a radius of 1,797.29 feet, the chord azimuth and distance being:

9. 309° 48' 30" 158.36 feet;

10. 312° 20' 43.75 feet along same to the point of beginning and containing an area of 2,297 Square Feet.

Subject, However, to Easement 1 for sidewalk purposes.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:



Erik S. Kaneshiro exp 4/16

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 011
Y:\2014\14-068\SURVEY\Descriptions\FARCEL 400-A.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

601 SUMNER STREET, SUITE 201
HONOLULU, HAWAII 96817-0201

CIVIL ENGINEERS - SURVEYORS

1871 WALI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALUANI STREET, SUITE 210
HILO, HAWAII 96720

HONOLULU RAIL TRANSIT PROJECT

PARCEL 400-B

Being a portion of Lot 11, Block 9 of "Kapiolani Tract"
 Being a portion of Land Patent 8194, Land Commission Award 6450,
 Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the North corner of this lot, being the Southeast corner of Parcel 400-A of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,189.98 feet North and 11,261.27 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|-------|------|--|
| 1. | 312° 20' | 50.00 | feet | along the South side of
Dillingham Boulevard; |
| 2. | 42° 20' | 12.90 | feet | along Parcel 401-A of the
Honolulu Rail Transit Project; |
| 3. | 132° 20' | 9.76 | feet | along Remainder of Parcel 400-
B of the Honolulu Rail Transit
Project; |
| 4. | 222° 20' | 2.00 | feet | along same; |
| 5. | 132° 20' | 40.24 | feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
 HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
 WAILUKU, MAUI, HAWAII 96793

100 PAUHI STREET, SUITE 207
 HILO, HAWAII 96720

6. 222° 20' 10.90 feet along Parcel 400-A of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 564 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink that reads "Erik S. Kaneshiro" followed by "EXP 04/16".

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 098
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HONOLULU RAIL TRANSIT PROJECT

**EASEMENT A
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Remainder of Parcel 400-A
of the Honolulu Rail Transit Project
Being portions of Lot as shown on DPP 1969/SUB-231,
Lots 7 and 9, Block 9 of "Kapiolani Tract",
Being portions of Grant 3420 to Curtis P. Iaukea,
Trustee for his Majesty Kalakaua and
Land Patent 8194, Land Commission Award 6450,
Apana 1 to Kaunuohua no Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being an azimuth and distance of 220°37' 33.95 feet from the Northwest corner of Remainder of Parcel 400-A of the Honolulu Rail Transit Project, being also along the Southeast side of Puuhale Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,319.06 feet North and 11,490.68 feet West thence running by azimuths measured clockwise from true South:

Along the Southeast side of Puuhale Road, on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:

1. 245° 32' 42.13 feet;

Thence along Parcel 400-A of the Honolulu Rail Transit Project, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

2. 295° 06' 12" 14.73 feet;

Thence along same, on a curve to the right with a radius of 2,221.02 feet, the chord azimuth and distance being:

3. 310° 49' 18" 117.18 feet;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PAUJAH STREET, SUITE 207
HILO, HAWAII 96720

4.	312° 20'	10.57	feet	along same;
5.	42° 20'	4.00	feet	along remainder of Remainder of Parcel 400-A;
6.	131° 50'	56.93	feet	along same;
7.	42° 20'	26.18	feet	along same;
8.	132° 20'	6.14	feet	along same;
9.	222° 20'	3.83	feet	along same;
10.	132° 20'	18.22	feet	along same;
11.	222° 20'	21.73	feet	along same;
12.	129° 50'	48.81	feet	along same;
13.	42° 20'	6.53	feet	along same;
14.	132° 20'	8.02	feet	along same;
15.	42° 20'	9.18	feet	along same;
16.	132° 20'	8.68	feet	along same;
17.	42° 20'	16.53	feet	along same;

Thence along same, on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:

18.	80° 44' 30"	6.21	feet;
-----	-------------	------	-------



19. 119° 09'

7.98 feet along same, to the point of beginning and containing an area of 1,551 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro BYE 04/16

ERIK S. KANESHIRO
 Licensed Professional Land Surveyor
 Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 011
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement A.docx



HONOLULU RAIL TRANSIT PROJECT

**EASEMENT B
(FOR TEMPORARY CONSTRUCTION PURPOSES)**

Affecting Remainder of Parcel 400-B
of the Honolulu Rail Transit Project
Being a portion of Lot 11, Block 9 of "Kapiolani Tract"
Being a portion of Land Patent 8194,
Land Commission Award 6450, Apana 1 to Kaunuoehua for Moehonua

Situate at Mokauea, Kalihi, Honolulu, Oahu, Hawaii

Beginning at the Southeast corner of this easement, being the Southwest corner of Parcel 400-B of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MOKAUEA" being 6,146.77 feet North and 11,232.99 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|------|------|--|
| 1. | 42° 20' | 4.00 | feet | along Remainder of Parcel 401-A of the Honolulu Rail Transit Project; |
| 2. | 132° 20' | 9.76 | feet | along remainder of Remainder of Parcel 400-B of the Honolulu Rail Transit Project; |
| 3. | 222° 20' | 4.00 | feet | along same, |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

601 SUMNER STREET, SUITE 621
HONOLULU, HAWAII 96817-3031

CIVIL ENGINEERS • SURVEYORS

1871 WILS PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALUHI STREET, SUITE 207
HILO, HAWAII 96720

4. 312° 20'

9.76 feet along Parcel 400-B of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 39 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro Exp 04/16

ERIK S. KANESHIRO

Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
July 16, 2015

TMK: (1) 1-2-009: 098

Y:\2014\14-068\SURVEY\Descriptions\PARCEL 401 - Easement B.docx



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

801 SUMNER STREET, SUITE 821
HONOLULU, HAWAII 96817-5031

CIVIL ENGINEERS • SURVEYORS

1871 WIL PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

100 PALAH STREET, SUITE 812
HILLO, HAWAII 96720

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-12 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST AND TEMPORARY CONSTRUCTION EASEMENT IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 1-2-009-011 and 1-2-009-098 (PORTIONS) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Keys 1-2-009-011 and 1-2-009-098 situated at 2043 Dillingham Boulevard, Honolulu, Hawaii 96817 which is required for guideway construction of the Honolulu Rail Transit Project (HRTTP). The property is owned by Blood Bank Real Property, Inc.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-4 on February 24, 2016. The City Council adopted Resolution No. 16-48 approving the action on March 16, 2016. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

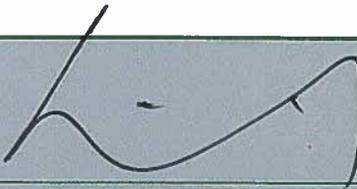
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

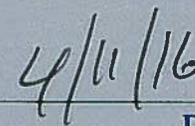
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-13

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-004-029 AND 2-3-004-079 (PORTIONS), LOCATED AT 401 KAMAKEE STREET AND 1141 WAIMANU STREET HONOLULU AND OWNED BY KA'A LIMITED PARTNERSHIP BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Keys (TMKs) 2-3-004-029 and 2-3-004-079 (Portions) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple of the real property identified as TMKs 2-3-004-029 and 2-3-004-079 (Portions) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of

settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMKs 2-3-004-029 and 2-3-004-079 (Portions)

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

PARCEL 474-A

Being all of Lot 456, as shown on Map 46 and Portions of Lot 452, as shown on Map 45, Lot 454 as shown on Map 46, and Lot 457, as shown on Map 47, Block 24, of Land Court Application 670.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the Southwest corner of this parcel of land, at the East intersection of Queen Street Extension and Kamakee Street, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6409.74 feet South and 865.68 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-------------|--|
| 1. | 231° 52' | 25.38 feet | along the Easterly side of Kamakee Street: |
| 2. | 321° 52' | 9.60 feet | along remainder of Lot 452, (Map 42), Block 24, of Land Court Application 670; |
| | | | thence along remainders of Lot 454, (Map 46), and Lot 457 (Map 47), Block 24, of Land Court Application 670, on a curve to the left with a radius of 20.50 feet, the chord azimuth and distance being: |
| 3. | 6° 52' | 28.99 feet; | |
| 4. | 321° 52' | 69.90 feet | along remainder of Lot 457 (Map 47), Block 24, of Land Court Application 670; |
| 5. | 51° 52' | 4.89 feet | along Lot 1-A-2 (Map 24) of Land Court Consolidation 53 and along a jog on the Northerly side of Queen Street Extension; |

6. 141° 52' 100.00 feet

along the Northerly side of Queen Street Extension to the point of beginning and containing an area of 776 square feet.



1320 North School Street
Honolulu, Hawaii 96817

September 16, 2015

Tax Map Key: (1st Div.) 2-3-04: 29 Portion
14-73

Description Prepared By:
Engineers Surveyors Hawaii, Inc.

A handwritten signature in black ink, appearing to read "Miles S. Horie", written over a horizontal line.

Miles S. Horie Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10007

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT

Parcel 474-B

Being a portion of Lot 1-A-2 as shown on Map 24 of Land Court Consolidation 53.

Situate at Kewalo, Honolulu, Oahu, Hawaii

Beginning at the West corner of this parcel of land, being also the South corner of Lot 457, (Map 47), Block 24, of Land Court Application 670 on the Northerly side of Queen Street Extension, the coordinates of which referred to Government Survey Triangulation Station "PUNCHBOWL" being 6488.09 feet South and 803.54 feet West and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|------------|---|
| 1. | 231° 52' | 4.39 feet | along Lot 457, (Map 47), Block 24, of Land Court Application 670; |
| 2. | 321° 52' | 10.42 feet | along remainder of Lot 1-A-2 (Map 24) of Land Court Consolidation 53; |
| 3. | 51° 52' | 3.72 feet | along Lot 1-A-1, (Map 24,) of Land Court Consolidation 53; |

thence along the Northerly side of Queen Street Extension, on a curve to the right with a radius of 392.00 feet, the azimuth to the radial center being 227° 27' 24", the chord azimuth and distance being:

4. 138° 13' 12" 10.44 feet to the point of beginning and containing an area of 43 square feet.



1320 North School Street
Honolulu, Hawaii 96817

September 16, 2015
Tax Map Key: (1st Div.) 2-3-04: 79 Portion

14.73

Description Prepared By:
Engineers Surveyors Hawaii, Inc.


Miles S. Horie Exp. 4/30/16
Licensed Professional Land Surveyor
Certificate Number 10007

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-13 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEYS 2-3-004-029 AND 2-3-004-079 (PORTIONS) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Keys 2-3-004-029 and 2-3-004-079 situated at 401 Kamakee Street and 1141 Waimanu Street, Honolulu, Hawaii 96814 which is required for guideway construction of the Honolulu Rail Transit Project (H RTP). The property is owned by Ka'a Limited Partnership.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-2 on February 4, 2016. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

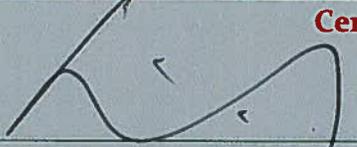
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

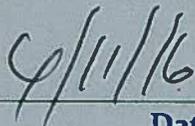
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-14

AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-008 (PORTION), LOCATED AT 1001 DILLINGHAM BOULEVARD, AND OWNED BY DTC INVESTMENTS, LLC. BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART “to acquire by eminent domain. . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;” and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-5-015-008 (Portion) by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

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

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-5-015-008 (Portion) is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

_____.

Board Chair

ATTEST:

Board Administrator

Exhibit A – Legal Description of TMK 1-5-015-008 (Portion)

DRAFT

HONOLULU RAIL TRANSIT PROJECT

PARCEL 425

Being a portion of Lot 5 (Map 4) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this lot, being the Northeast corner of Parcel 424-C of the Honolulu Rail Transit Project, being also along the South side of Dillingham Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,343.81 feet North and 7,875.29 feet West thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|----------|--------|------|--|
| 1. | 302° 04' | 352.85 | feet | along the South side of
Dillingham Boulevard; |
| 2. | 32° 04' | 5.00 | feet | along Parcel 426 of the
Honolulu Rail Transit Project; |
| 3. | 122° 04' | 224.53 | feet | along Remainder of Parcels 425
and 425-A of Honolulu Rail
Transit Project; |
| 4. | 120° 38' | 128.36 | feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKI MAUI HAWAII 96793

100 PAUAAHI STREET, SUITE 207
HILLO HAWAII 96720

5. 212° 04'

8.21 feet along Parcel 424-C of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 1,970 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro exp 04/16

ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally subdivided lot.

Honolulu, Hawaii
January 20, 2016

TMK: (1) 1-5-015: 008
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 425.docx



HONOLULU RAIL TRANSIT PROJECT

PARCEL 425-A

Being a portion of Lot 5 (Map 4) of
Land Court Consolidation 19

Situate at Kapalama, Honolulu, Oahu, Hawaii

Beginning at the Northwest corner of this easement, being the Southwest corner of Parcel 425 of the Honolulu Rail Transit Project, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 3,336.85 feet North and 7,879.65 feet West thence running by azimuths measured clockwise from true South:

1. 300° 38' 35.89 feet along Parcel 425 of the Honolulu Rail Transit Project;
2. 32° 04' 22.70 feet along the remainder of Remainder of Parcels 425 and 425-A of the Honolulu Rail Transit Project;
3. 122° 04' 35.88 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
HONOLULU HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU MAUI HAWAII 96793

100 PAUHI STREET, SUITE 207
HILO HAWAII 96720

4. 212° 04' 21.80 feet along Remainder of Parcel 424-C of the Honolulu Rail Transit Project, to the point of beginning and containing an area of 798 Square Feet.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

 EXP 04/16
ERIK S. KANESHIRO
Licensed Professional Land Surveyor
Certificate No. 9826

Note: This description is for exhibit purposes and does not purport a legally designated easement.

Honolulu, Hawaii
January 21, 2016

TMK: (1) 1-5-015: 008
Y:\2014\14-068\SURVEY\Descriptions\PARCEL 425 - Easement A.docx



Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: RESOLUTION NO. 2016-14 AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-5-015-008 (PORTION) BY EMINENT DOMAIN	STAFF CONTACT: Jesse K. Souki Morris M. Atta	DATE: April 21, 2016
--	---	--------------------------------

Type:	Goal	Focus Area	Reference Notes
<input checked="" type="checkbox"/> Action/Approval	<input checked="" type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:
 Final action of the Board in authorizing the condemnation of the parcel identified as Tax Map Key 1-5-015-008 situated at 1001 Dillingham Boulevard, Honolulu, Hawaii 96817 which is required for guideway construction of the Honolulu Rail Transit Project (HRT). The property is owned by DTC Investments, LLC.

2. Background/Justification
 Notification of the intent to exercise eminent domain had previously been sent to the Honolulu City Council along with HART Resolution 2016-1 on February 4, 2016. More than 45 days has elapsed since the notice. The City Council neither approved or adopted a resolution in objection of the action. Accordingly, under the Charter of the City and County of Honolulu section 17-103.2(b), HART may now properly proceed with the condemnation proceedings for this parcel.

3. Procurement Background
 N/A

4. Financial/Budget Impact
 The project budget includes an estimated cost for legal action associated with the condemnation of the property.

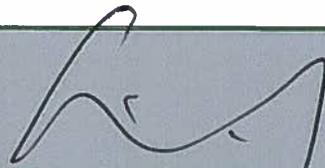
5. Policy Impact
 There is no policy impact since this action conforms to the requirement of the Uniform Relocation Act, FTA 5010.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement
 N/A

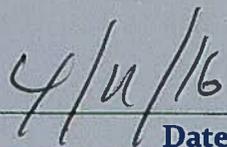
7. Alternatives
 There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the contractor in constructing the guideway.

8. Exhibits
 N/A

Certified and Recommended by:



Executive Director and CEO



Date

ATTACHMENT C

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Right-of-Way Status Update April 21, 2016

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

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

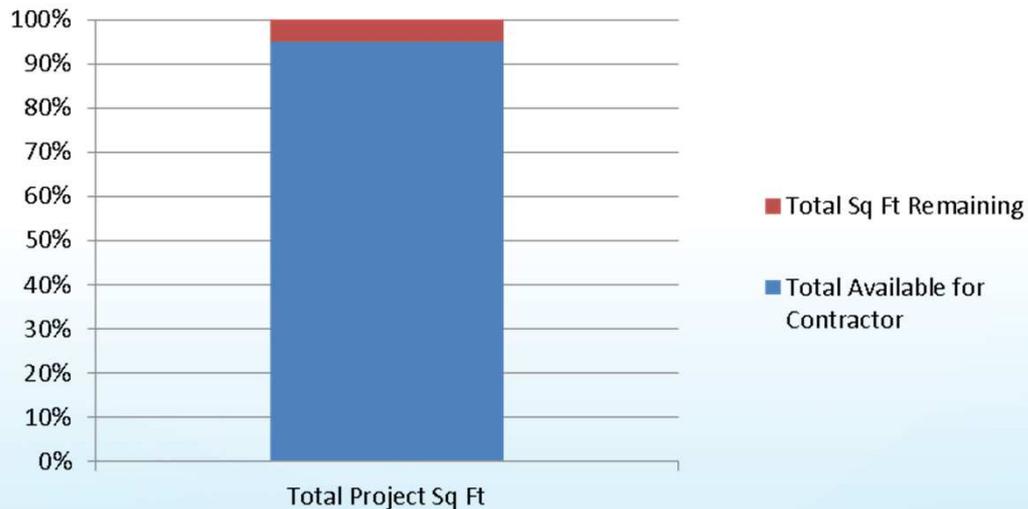
Meeting our Goals

- **Balance respect for property owner with schedule needs and project budget**
- **Balance responsibility of staying within the budget in a changing real estate market**
- **Continue to communicate and educate effectively**
- **Negotiate fairly**
- **Meet requirements of the Uniform Act**

Status Summary

- **ROW team continues to meet the schedule for City Center acquisitions relative to program procurement needs**
 - **Intense focus on Airport and Dillingham Parcels to support upcoming procurement**
- **Current total site access available for contractor is 95% of the total area needed**
- **Eminent Domain pending**
 - **50 prior requests for authorization from HART Board**
 - **2 parcels for resubmission to HART Board and City Council**
 - **1 parcel rejected by the City Council**
 - **5 cases filed**
 - **1 settled prior to trial**
 - **1 settled prior to trial, pending FTA approval**
 - **1 parcel disputed**
 - **2 condemnations to resolve title issues**
 - **34 properties in escrow**

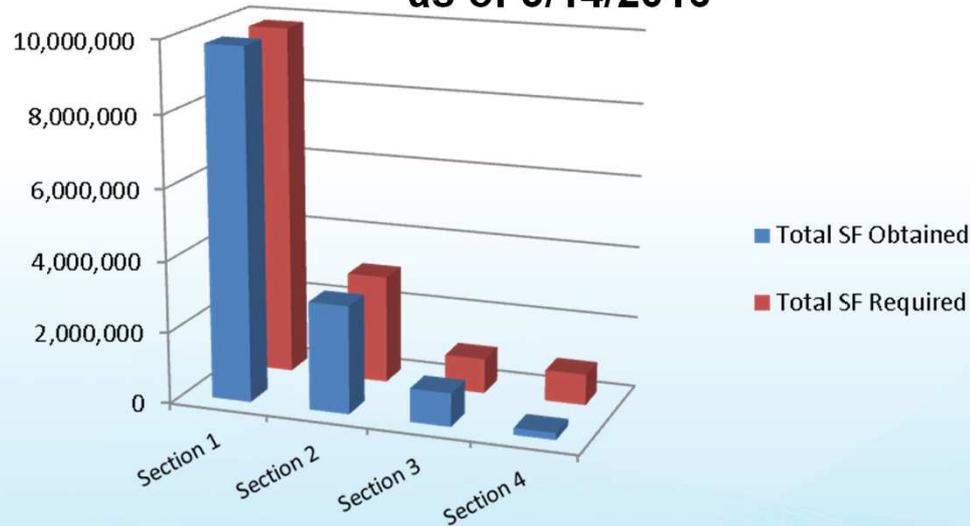
Progress Site Access Available by Land Area as of 3/14/2016



Total Project Sq Ft	Total Sq Ft Requirement	14,681,528
	Total Available for Contractor	13,916,732
	Total Sq Ft Remaining	764,796
	% Available for Contractor	95%
	Reported Last Month	95%

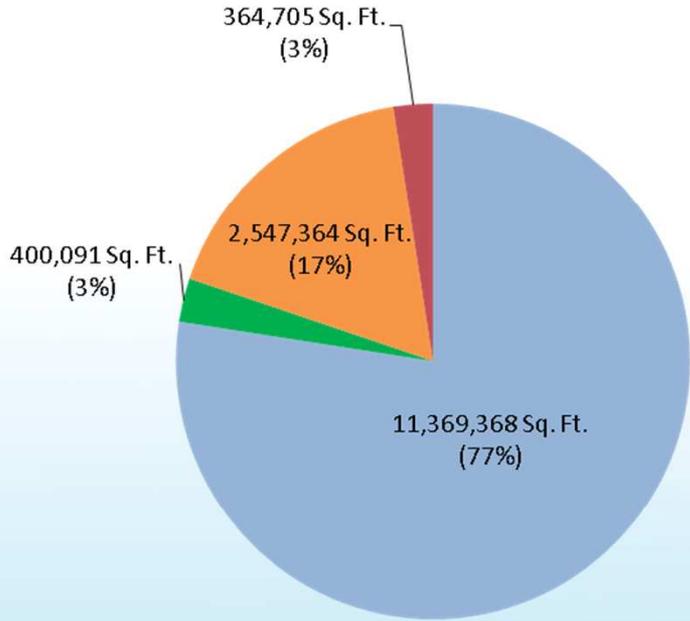
Progress Site Access Available to Contractors by Land Area by Section

as of 3/14/2016

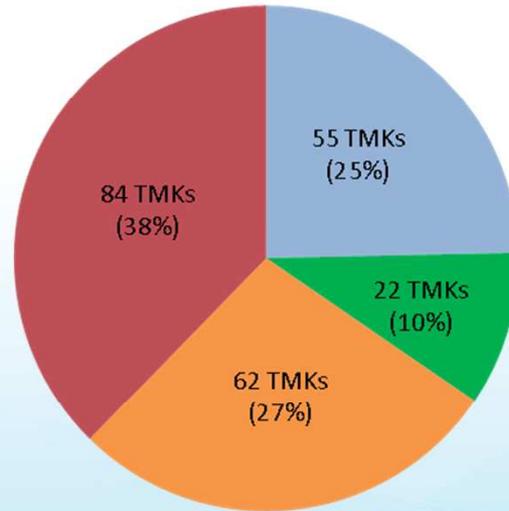


	Section 1	Section 2	Section 3	Section 4
Total SF Obtained	9,808,840	3,023,851	891,152	192,889
Total SF Required	9,808,840	3,027,319	979,875	865,494
% Progress	100.00%	99.89%	90.95%	22.29%

Parcel Site Control Status by Land Area and Parcels as of 3/14/2016



Square Footage

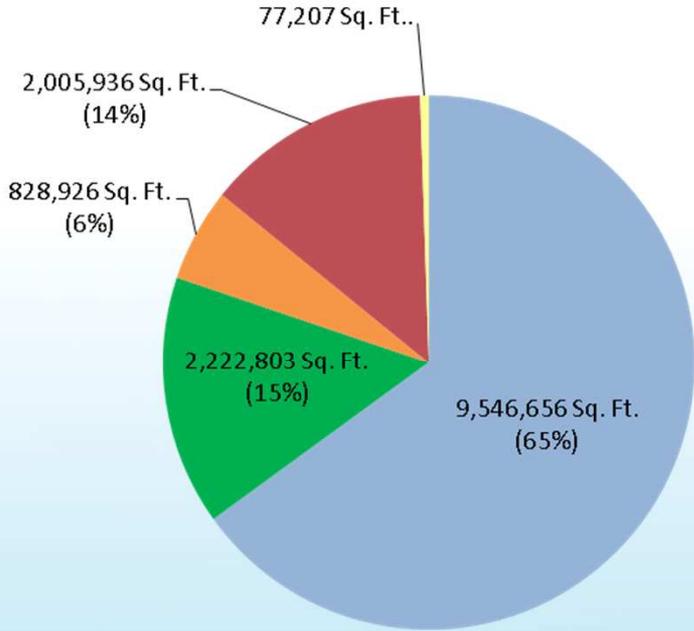


Tax Map Key

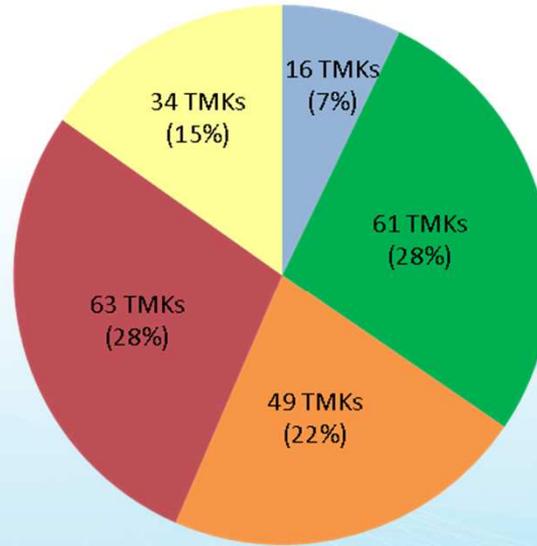
- Gov't Site Control Obtained
- Gov't Site Control not Obtained
- Private Site Control Obtained
- Private Site Control not Obtained

Acquisition Status by Land Area and Parcels

as of 3/14/2016



Square Footage



Tax Map Key

- Gov't Acquisitions
- Gov't to be Acquired
- Private Acquisitions
- Private to be Acquired
- In Escrow

Recent Accomplishments

- Acquisition for owner of 13 parcels - 12 in escrow and 1 escrow closed
- 3 Land Court Subdivisions Maps approved
- Civic Center Station site acquired
- Navy Pearl Harbor Station site acquired
- 2 HECO utility relocation right-of-entry executed
- 2 Possession and Use Agreement executed

Right-of-Way Cost Estimate Update

as of 3/14/2016

	Budget	Expended	Remaining Budget Balance	Estimate to Completion	Forecast Variance
Acquisition	\$201.70	\$86.80	\$114.90	\$101.80	\$13.10
Relocation	\$20.50	\$10.60	\$9.90	\$15.90	(\$6.00)
Total (Million)	\$222.20	\$97.40	\$124.80	\$117.70	\$7.10

Notes:

- ❖ Administrative overhead costs aggregated with the Acquisition and Relocation numbers
- ❖ Estimate to completion based on offers, appraisals or assessed values

Right-of-Way Risks to Budget

- **Volatility of Real Estate Market, especially in the Kakaako - Ala Moana area**
- **Conversions from partial acquisition to full acquisition**
- **Unanticipated relocation costs for complex relocations, particularly unexpected full takes**

Private Property Acquisition Summary as of 3/14/2016

No	TMK	Take	Address	Owner	Recordation Date	Total Acquisition (\$)	FFGA Budget	Note	Remaining Balance in Budget
1	1-1-016-005	Full	2676 Waiwai Loop	2676 Waiwai Loop LLC	7-Mar-14	4,924,144	6,173,973		1,249,829
2	1-1-016-006	Full	2668 Waiwai Loop	Niert Holding Group	28-Mar-14	3,918,089	4,648,445		730,356
3	1-1-016-014	Full	479 Lagoon Drive	Chevron USA Inc	21-Mar-14	3,042,274	3,930,328		888,055
4	1-1-016-015	Full	515 Lagoon Drive	Brewer Trust	3-Jun-13	3,551,508	5,067,659		1,516,151
5	1-1-016-016	Full	2613 Waiwai Loop	International Express Inc	5-Jan-16	6,062,548	472,448	2	-5,590,100
6	1-2-003-016	Full	1819 Dillingham Boulevard	Strain	21-Apr-14	1,106,416	1,741,689		635,273
7	1-2-003-017	Partial	1815 Dillingham Boulevard	Hernandez	11-May-15	151,758	111,258		-40,500
8	1-2-003-018	Partial	1803 Dillingham Boulevard	Rosebud Holdings Ltd	14-Aug-15	142,407	261,258		118,851
9	1-2-003-020	Partial	1727 Dillingham Boulevard	Elum Two LLC	7-Dec-15	220,540	364,465		143,925
10	1-2-003-082	Full	1825 Dillingham Boulevard	Nuyen	31-Jul-14	982,669	1,596,625		612,326
11	1-2-003-101	Partial	1701 Dillingham Boulevard	Fuji Trustee	16-Nov-15	458,234	483,178		4,944
12	1-2-009-001	Full	1901 Dillingham Boulevard	Sebastian LLC	16-Aug-12	2,805,135	2,814,000		8,865
13	1-2-009-100	Full	1953 Dillingham Boulevard	Sebastian LLC	16-Dec-14	2,257,359	436,620	2	-1,820,739
14	1-2-009-101		Subdivided TMK 1-2-009-017 into 100 and 101						
15	1-2-009-018	Full	1927 Dillingham Boulevard	Rodriguez/Hinch	18-Nov-14	804,686	261,258	2	-543,428
16	1-2-010-068	Full	1900 Dillingham Boulevard	Kam Trust	4-Dec-12	1,831,279	2,529,000		697,721
17	1-5-007-021	Full	545 Kaaahi Street	Nuuanu Auto	11-Oct-14	2,285,004	2,819,500		534,496
18	1-5-007-023	Full	533 Kaaahi Street	KWA/Abrams	23-Apr-10	2,850,000	2,850,000	1	0
19	1-5-028-073	Partial	1617 Dillingham Boulevard	Fuji Trustee	13-Oct-15	258,439	179,373		-79,066
20	1-7-002-026	Full	902 KeKaulike Street	902 Partners Ltd	1-Nov-12	5,219,351	4,927,000	2	-292,351
21	2-1-030-050	Easement	573 Halekuiwila Street	Henry Domen Trust	25-Feb-16	46,930		4	-46,930
22	2-1-031-002	Easement	598 Halekuiwila Street	Koyagi Trust	18-Dec-15	102,466	179,517	3	77,111
23	2-3-004-048	Full	1156 Waimanu Street	Young	21-Mar-12	1,730,578	1,730,578		0
24	2-3-004-069	Full	1168 Waimanu Street	Cody Prop LLC	10-Feb-12	2,660,398	2,658,217		-2,081
25	2-3-007-033	Full	1169 Kona Street	Kakaao Associates	13-Oct-14	5,825,106	10,102,669		4,277,563
26	2-3-007-036	Full	1174 Waimanu Street	McArthur Trust/Hideko	8-Oct-14	1,407,845	1,951,386		543,541
27	2-3-007-039	Full	1163 Kona Street	Nelson Family Trust	1-Dec-15	3,010,960	2,644,402		-366,558
28	2-3-007-044	Full	1201 Kona Street	ROKH Holdings Inc	3-Oct-14	1,357,540	1,751,700		394,160
29	2-3-007-054	Full	1246 Kona Street	Taran Trust	15-May-15	1,105,634	1,439,263		333,629
30	9-4-017-011	Full	94-818 Moloalo Street	Dkazaki	4-Aug-11	870,000	870,000	1	0
31	9-4-019-050	Full	94-819 Farrington Highway	Min	1-Aug-12	1,004,277	1,005,000		723
32	9-4-047-008	Partial	94-144 Farrington Highway	Robinson LLC	13-Mar-15	898,742	743,278		-155,464
33	9-4-048-046	Full	94-119 Farrington Highway	Cutter Dev.	25-Jul-11	3,159,142	3,159,142	1	0
34	9-4-048-047	Full	94-136 Leonui Street	Cutter Dev.	25-Jul-11	2,749,142	2,749,142	1	0
35	9-6-003-012	Full	96-171 Kamehameha Highway	Alpha Omega	29-Jun-11	287,030	287,030	1	0
36	9-6-003-013	Full	96-165/169 Kamehameha Highway	Reid	7-Sep-11	455,588	455,588	1	0
37	9-6-003-014	Full	96-157 Kamehameha Highway	Bala	27-Jun-11	1,216,787	1,216,787	1	0
38	9-6-003-015	Full	96-159 Kamehameha Highway	Bala	10-Aug-11	53,304	53,304	1	0
39	9-6-003-016	Full	96-149A Kamehameha Highway	Bala	10-Aug-11	22,304	22,304	1	0
40	9-6-003-017	Full	96-149 Kamehameha Highway	Farinas	15-Sep-11	559,914	559,914	1	0
41	9-6-003-018	Full	96-137 Kamehameha Highway	Nlipo/Solminin	25-Jan-12	1,017,915	1,017,915	1	0
42	9-6-004-002	Full	96-93 Kamehameha Highway	Kawano	5-May-11	790,000	790,000	1	0
43	9-6-004-017	Full	Kamehameha Highway	Suenaga	29-Jun-11	90,000	90,000	1	0
44	9-6-004-023	Partial	Waihona Street	Estate of Bernice Bishop	4-Aug-15	24,476	157,965		133,489
45	9-7-023-008	Partial	945 Kamehameha Highway	Stuart Plaza Inv	26-May-15	300,000	151,344		-148,656
46	9-7-024-034	Easement	1000 Kamehameha Highway	ABP Pearl Highlands LLC	19-Jan-16	42,837	679,106	3	636,269
47	9-8-009-017	Full	98-077 Kamehameha Highway	Continental Inv. Ltd	14-Jun-13	2,509,030	3,512,500		1,003,470
48	9-8-010-002	Full	98-080 Kamehameha Highway	Both State Prop.	1-May-12	6,027,021	6,027,021	1	0
49	9-9-003-068	Full	99-140 Kohouma Street	RCJ	13-Sep-11	993,783	993,783	1	0
						83,192,158	88,647,033		5,454,874

Notes:

* Baseline assumes zero variance (budget = actual) during FFGA approval process.

** Cost exceeded budgeted amount due to conversion from partial to full acquisition. Bold print reflects most recent acquisition

Private Property Acquisition Cost as of 3/14/2016



Mahalo!



ATTACHMENT D

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2016-15

REGARDING THE POSITION OF THE BOARD OF DIRECTORS OF THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ON TRANSIT-ORIENTED DEVELOPMENT LEGISLATION

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973 , as amended (RCH); and

WHEREAS, RCH Section 17-103 2(n) authorizes HART 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”; and

WHEREAS, the City and County of Honolulu, has begun establishing “special districts known as TOD zones around rapid transit stations to encourage appropriate transit-oriented development,” as provided in Ordinance 09-04 and codified in the Revised Ordinances of Honolulu 1990, as amended (ROH) , Section 21-9.100; and

WHEREAS, SB3077, SD1, HD1 Relating to Statewide Community Plan seeks to properly, effectively, and efficiently address the numerous issues facing transit-oriented (TOD) development statewide through a coordinated, intergovernmental, and interagency approach by establishing the Hawaii Interagency Council for TOD (Interagency Council) and appropriate funds for the creation and operations of the Interagency Council; and

WHEREAS, TOD provides a unique opportunity to foster more livable communities that take advantage of the benefits of transit, including reducing transportation costs for residents, businesses and workers while improving mobility and circulation in the station area for all modes of travel; and

WHEREAS, development projects within county-designated TOD zones can take advantage of direct pedestrian access to the rail system—leveraging the substantial public investment in the transit capacity and promoting more sustainable and healthier mobility options; and

WHEREAS, high density, mixed use development and improved multimodal access to stations, which are commonly associated with TOD, can contribute to HART’s farebox revenue and offset operational expenses; and

WHEREAS, the HART Board favors and supports legislative measures which maximizes the potential for TOD, promotes interagency collaboration and infrastructure development to facilitate TOD; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of HART supports the intent of SB3077,SD1, HD1, Relating to Statewide Community Plan which promote interagency collaboration and infrastructure development to facilitate TOD; however, respectfully requests amendments to SB33077, SD1, HD1 address the following comments:

1. Acknowledge the TOD planning and policy efforts currently underway at the county level; and
2. Limit its scope, jurisdiction and authority to primarily State projects and state lands in the TOD areas so as not to conflict with TOD planning and policy efforts at the county level; and
3. Clarify its review of future capital improvement projects for TOD on State lands to be only within county-designated TOD zones, rather than within a one-half-mile radius of public transit stations, and await final designated TOD zones at the county level; and
4. The HART Executive Director and CEO is authorized to submit testimony on pertinent legislation consistent with the overall policies set forth herein; and
5. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on

_____.

Board Chair

ATTEST:

Board Administrator

ts: J.Oliveira/R.Tam/A.Marceau/J.Souki/C.Matsushita/B.Morioka/D.Grabauskas



IN REPLY REFER TO:
CMS-AP00-XXXXX

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Daniel A. Grabauskas
EXECUTIVE DIRECTOR AND CEO

BOARD OF DIRECTORS

Statement of
DANIEL A. GRABAUSKAS
Executive Director and CEO, Honolulu Authority for Rapid Transportation
before the

Donald G. Horner
CHAIR

Damien T.K. Kim
VICE CHAIR

COMMITTEE ON FINANCE

George I. Atta
Michael D. Formby
Ford N. Fuchigami
Terri Fujii
Colleen Hanabusa
William "Buzz" Hong
Terrence M. Lee
Ivan M. Lui-Kwan

[DATE]
[TIME]
State Capitol, Conference Room XXX

In consideration of
SB3077, SD1, HD1
RELATING TO STATEWIDE COMMUNITY PLANNING

On behalf of its Board of the Directors, the Honolulu Authority for Rapid Transportation (HART) **supports the intent** of SB3077, SD1, HD1, but has the following comments and concerns.

SB3077, SD1, HD1, in its amended form, seeks to properly, effectively, and efficiently address the numerous issues facing transit-oriented (TOD) development statewide through a coordinated, intergovernmental, and interagency approach by establishing the Hawaii Interagency Council for TOD (Interagency Council) and appropriate funds for the creation and operations of the Interagency Council;

HART concurs with the City's Department of Planning and Permitting, that TOD planning, policies and infrastructure development should remain a county level function. County planning efforts for TOD around the Honolulu Rail Transit stations are well underway to develop TOD zones and neighborhood TOD plans that will serve as the basis for the creation of TOD regulations. Efforts at the county level to prioritize adequate infrastructure, such as improved roadways and sidewalks, and updated wastewater and drainage systems, are critical to TOD development. In the final form of this bill, the scope, jurisdiction and authority of the Interagency Council should avoid conflicts with ongoing TOD planning and policy efforts at the county level.

Nevertheless, HART supports interagency collaboration and infrastructure development to facilitate TOD projects on State lands. Such collaboration provides a unique opportunity to foster more livable communities that take advantage of the benefits of transit, including reducing transportation costs for residents, businesses, and workers while improving mobility and circulation in the station area for all modes of travel. TOD projects within a county-designated TOD zone can take advantage of direct pedestrian access to the rail system—leveraging the substantial public investment in the transit capacity and promoting more sustainable and healthier mobility options.

HART pledges to continue to coordinate with appropriate state and county agencies to support TOD development. Thank you for the opportunity to provide this testimony.

ts: J.Oliveira/R. Tam/J. Nouchi/J. Souki/B.Morioka/D.Grabauskas

A BILL FOR AN ACT

RELATING TO STATEWIDE COMMUNITY PLANNING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that with Honolulu's
2 construction of an elevated rail transit system, the State has
3 an opportunity to enhance Oahu's urban environment and increase
4 the quality of life for residents by utilizing sound smart
5 growth and transit-oriented development principles to
6 revitalized neighborhoods and increase affordable housing
7 inventory, among other public benefits. As the largest
8 landowner of properties along the transit line, with
9 approximately two-thousand acres under the jurisdiction of
10 various departments, the State must be proactive and coordinate
11 planning and development efforts among State agencies to
12 maximize the benefits of redevelopment of state lands in areas
13 served by public transit.

14 The legislature further finds that in 2015, the ad-hoc
15 state transit-oriented development task force was convened to
16 identify and determine priority sites and projects that should
17 be considered for transit-oriented development master planning



1 and development. Task force members included state and city and
2 county agencies, elected officials, and numerous private
3 individuals and entities. In December 2015, the task force
4 submitted a report to the legislature, which included various
5 recommendations such as formally constituting the state transit-
6 oriented development task force to promote effective and
7 efficient transit-oriented development planning and coordination
8 among state agencies and counties statewide.

9 To ensure that the State has a unified vision and approach
10 toward redevelopment of its properties, the purpose of this Act
11 is to:

- 12 (1) Designate the office of planning as the lead agency to
13 coordinate and advance smart growth and transit-
14 oriented development planning in the state; and
- 15 (2) Establish an interagency council for transit-oriented
16 development within the department of business,
17 economic development, and tourism to coordinate
18 effective and efficient transit-oriented development
19 planning statewide.

20 This Act also authorizes the department of education to use
21 school impact fees collected from transit-oriented development



1 projects to be used for existing schools in the transit-oriented
2 development area to address increases in school populations due
3 to transit oriented development.

4 SECTION 2. Chapter 226, Hawaii Revised Statutes, is
5 amended by adding two new sections to part II to be
6 appropriately designated and to read as follows:

7 "§226-A Hawaii interagency council for transit-oriented
8 development. (a) There is established the Hawaii interagency
9 council for transit-oriented development, which shall be an
10 advisory body exempt from section 26-34, to coordinate and
11 facilitate state agency transit-oriented development planning,
12 and facilitate consultation and collaboration between the State
13 and the counties on transit-oriented development initiatives.
14 The Hawaii interagency council for transit-oriented development
15 shall be established within the department of business, economic
16 development, and tourism for administrative purposes.

17 (b) The Hawaii interagency council for transit-oriented
18 development shall:

19 (1) Serve as the State's transit-oriented development
20 planning and policy development entity with



- 1 representation from state and county government and
2 the community;
- 3 (2) Formulate and advise the governor on the
4 implementation of a strategic plan to address transit-
5 oriented development projects on state lands in each
6 county;
- 7 (3) Facilitate the acquisition of funding and resources
8 for state and county transit-oriented development
9 programs on state lands;
- 10 (4) Monitor the preparation and conduct of plans and
11 studies to facilitate implementation of state transit-
12 oriented development plans prepared pursuant to this
13 section, including but not limited to the preparation
14 of site or master plans and implementation plans and
15 studies;
- 16 (5) Review all capital improvement project requests to the
17 legislature for transit-oriented development projects
18 on state lands within county-designated transit-
19 oriented development zones or within a one-half-mile
20 radius of public transit stations, if a county has not
21 designated transit-oriented development zones;



1 (6) Recommend policy, regulatory, and statutory changes,
2 and identify resource strategies for the successful
3 execution of the strategic plan;

4 (7) Assemble accurate fiscal and demographic information
5 to support policy development and track outcomes;

6 (8) Consider collaborative transit-oriented development
7 initiatives of other states that have demonstrated
8 positive outcomes; and

9 (9) Report annually to the governor, the legislature, and
10 the mayor of each county on the progress of its
11 activities, including formulation and progress on the
12 strategic plan no later than twenty days prior to the
13 convening of each regular session.

14 (c) The strategic plan developed by the Hawaii interagency
15 council for transit-oriented development shall:

16 (1) Coordinate with the counties on transit-oriented
17 development;

18 (2) For each county, compile an inventory of state,
19 county, and private sector transit-oriented
20 development projects lacking infrastructure,
21 identifying the type of infrastructure each project



1 lacks, and the approximate timeframe when additional
2 capacity is needed;

3 (3) Prioritize the development of transit-oriented
4 development projects on state lands;

5 (4) Identify financing and prioritize state financing for
6 the public infrastructure, facility, and service
7 investments required to support transit-oriented
8 development plans; and

9 (5) Encourage and promote partnerships between public and
10 private entities to identify, renovate, and secure
11 affordable housing options on state lands within
12 county-designated transit-oriented development areas
13 or within a one-half-mile radius of public transit
14 stations, if a county has not designated transit-
15 oriented development zones.

16 §226-B Hawaii interagency council for transit-oriented
17 development membership. (a) The Hawaii interagency council for
18 transit-oriented development shall be composed of the following
19 members:

20 (1) Director of the office of planning, who shall serve as
21 co-chair;



- 1 (2) Executive director of the Hawaii housing finance and
- 2 development corporation, who shall serve as co-chair;
- 3 (3) Chairperson of the board of land and natural
- 4 resources;
- 5 (4) Director of transportation;
- 6 (5) Comptroller;
- 7 (6) Director of health;
- 8 (7) Director of human services;
- 9 (8) Director of public safety;
- 10 (9) Chairperson of the Hawaiian homes commission;
- 11 (10) Chairperson of the board of trustees of the Office of
- 12 Hawaiian Affairs;
- 13 (11) President of the University of Hawaii;
- 14 (12) Superintendent of education;
- 15 (13) Executive director of the Hawaii community development
- 16 authority;
- 17 (14) Executive director of the Hawaii public housing
- 18 authority;
- 19 (15) One member of the house of representatives to be
- 20 designated by the speaker of the house of
- 21 representatives; provided that the speaker of the



1 house of representatives may designate a second member
2 of the house of representatives to serve as an
3 alternate;

4 (16) One member of the senate to be designated by the
5 president of the senate; provided that the president
6 of the senate may designate a second member of the
7 senate to serve as an alternate;

8 (17) The mayor of each county;

9 (18) A representative of the Honolulu field office of the
10 United States Department of Housing and Urban
11 Development, who shall be requested to serve on an ex-
12 officio basis by the governor;

13 (19) A representative of the business community, to be
14 designated by the governor; and

15 (20) A representative of the community who is a housing
16 advocate, to be designated by the governor.

17 (b) The nongovernmental members of the Hawaii interagency
18 council for transit-oriented development shall serve without
19 compensation but shall be reimbursed for expenses, including
20 travel expenses, necessary for the performance of their duties.



1 (c) Except as provided in subsection (a)(15) and (16), if
2 a member of the Hawaii interagency council for transit-oriented
3 development is unable to attend a meeting, that member may
4 appoint a designee to attend and to act on the member's behalf
5 during the meeting."

6 SECTION 3. Section 225M-2, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The office of planning shall gather, analyze, and
9 provide information to the governor to assist in the overall
10 analysis and formulation of state policies and strategies to
11 provide central direction and cohesion in the allocation of
12 resources and effectuation of state activities and programs and
13 effectively address current or emerging issues and
14 opportunities. More specifically, the office shall engage in
15 the following activities:

16 (1) State comprehensive planning and program coordination.
17 Formulating and articulating comprehensive statewide
18 goals, objectives, policies, and priorities, and
19 coordinating their implementation through the
20 statewide planning system established in part II of
21 chapter 226;



- 1 (2) Strategic planning. Identifying and analyzing
2 significant issues, problems, and opportunities
3 confronting the State, and formulating strategies and
4 alternative courses of action in response to
5 identified problems and opportunities by:
- 6 (A) Providing in-depth policy research, analysis, and
7 recommendations on existing or potential areas of
8 critical state concern;
- 9 (B) Examining and evaluating the effectiveness of
10 state programs in implementing state policies and
11 priorities;
- 12 (C) Monitoring through surveys, environmental
13 scanning, and other techniques--current social,
14 economic, and physical conditions and trends; and
- 15 (D) Developing, in collaboration with affected public
16 or private agencies and organizations,
17 implementation plans and schedules and, where
18 appropriate, assisting in the mobilization of
19 resources to meet identified needs;
- 20 (3) Planning coordination and cooperation. Facilitating
21 coordinated and cooperative planning and policy



1 development and implementation activities among state
2 agencies and between the state, county, and federal
3 governments, by:

4 (A) Reviewing, assessing, and coordinating, as
5 necessary, major plans, programs, projects, and
6 regulatory activities existing or proposed by
7 state and county agencies;

8 (B) Formulating mechanisms to simplify, streamline,
9 or coordinate interagency development and
10 regulatory processes; and

11 (C) Recognizing the presence of federal defense and
12 security forces and agencies in the State as
13 important state concerns;

14 (4) Statewide planning and geographic information system.
15 Collecting, integrating, analyzing, maintaining, and
16 disseminating various forms of data and information,
17 including geospatial data and information, to further
18 effective state planning, policy analysis and
19 development, and delivery of government services by:

20 (A) Collecting, assembling, organizing, evaluating,
21 and classifying existing geospatial and non-



1 geospatial data and performing necessary basic
2 research, conversions, and integration to provide
3 a common database for governmental planning and
4 geospatial analyses by state agencies;

5 (B) Planning, coordinating, and maintaining a
6 comprehensive, shared statewide planning and
7 geographic information system and associated
8 geospatial database. The office shall be the
9 lead agency responsible for coordinating the
10 maintenance of the multi-agency, statewide
11 planning and geographic information system and
12 coordinating, collecting, integrating, and
13 disseminating geospatial data sets that are used
14 to support a variety of state agency applications
15 and other spatial data analyses to enhance
16 decision-making. The office shall promote and
17 encourage free and open data sharing among and
18 between all government agencies. To ensure the
19 maintenance of a comprehensive, accurate, up-to-
20 date geospatial data resource that can be drawn
21 upon for decision-making related to essential



1 public policy issues such as land use planning,
2 resource management, homeland security, and the
3 overall health, safety, and well-being of
4 Hawaii's citizens, and to avoid redundant data
5 development efforts, state agencies shall provide
6 to the shared system either their respective
7 geospatial databases or, at a minimum, especially
8 in cases of secure or confidential data sets that
9 cannot be shared or must be restricted, metadata
10 describing existing geospatial data. In cases
11 where agencies provide restricted data, the
12 office of planning shall ensure the security of
13 that data; and

14 (C) Maintaining a centralized depository of state and
15 national planning references;

16 (5) Land use planning. Developing and presenting the
17 position of the State in all boundary change petitions
18 and proceedings before the land use commission,
19 assisting state agencies in the development and
20 submittal of petitions for land use district boundary
21 amendments, and conducting periodic reviews of the



1 classification and districting of all lands in the
2 State, as specified in chapter 205;

3 (6) Coastal and ocean policy management. Carrying out the
4 lead agency responsibilities for the Hawaii coastal
5 zone management program, as specified in chapter 205A.
6 Also, developing and maintaining an ocean and coastal
7 resources information, planning, and management system
8 further developing and coordinating implementation of
9 the ocean resources management plan, and formulating
10 ocean policies with respect to the exclusive economic
11 zone, coral reefs, and national marine sanctuaries;

12 (7) Regional planning and studies. Conducting plans and
13 studies to determine:

14 (A) The capability of various regions within the
15 State to support projected increases in both
16 resident populations and visitors;

17 (B) The potential physical, social, economic, and
18 environmental impact on these regions resulting
19 from increases in both resident populations and
20 visitors;



- 1 (C) The maximum annual visitor carrying capacity for
- 2 the State by region, county, and island; and
- 3 (D) The appropriate guidance and management of
- 4 selected regions and areas of statewide critical
- 5 concern.

6 The studies in subparagraphs (A) to (C) shall be
7 conducted at appropriate intervals, but not less than
8 once every five years;

- 9 (8) Regional, national, and international planning.
10 Participating in and ensuring that state plans,
11 policies, and objectives are consistent, to the extent
12 practicable, with regional, national, and
13 international planning efforts; ~~and~~

- 14 (9) Climate adaptation planning. Conducting plans and
15 studies and preparing reports as follows:

- 16 (A) Develop, monitor, and evaluate strategic climate
17 adaptation plans and actionable policy
18 recommendations for the State and counties
19 addressing expected statewide climate change
20 impacts identified under Act 286, Session Laws of
21 Hawaii 2012, through the year 2050;



1 (B) Provide planning and policy guidance and
2 assistance to state and county agencies regarding
3 climate change; and

4 (C) Publish its findings, recommendations, and
5 progress reports on actions taken no later than
6 December 31, 2017, and its annual report to the
7 governor and the legislature thereafter[-]; and

8 (10) Smart growth and transit-oriented development. Acting
9 as the lead agency to coordinate and advance smart
10 growth and transit-oriented development planning
11 within the State as follows:

12 (A) Identify transit-oriented development
13 opportunities shared between state and county
14 agencies, including relevant initiatives such as
15 the department of health's healthy Hawaii
16 initiative and the Hawaii clean energy
17 initiative;

18 (B) Refine the definition of "transit-oriented
19 development" in the context of Hawaii, while
20 recognizing the potential for smart growth
21 development patterns in all locations;



- 1 (C) Clarify state goals for transit-oriented
2 development and smart growth that support the
3 principles of the Hawaii State Planning Act by
4 preserving non-urbanized land, improving worker
5 access to jobs, and reducing fuel consumption;
- 6 (D) Target transit-oriented development areas for
7 significant increase in affordable housing and
8 rental units;
- 9 (E) Conduct outreach to state agencies to help
10 educate state employees about the ways they can
11 support and benefit from transit-oriented
12 development and the State's smart growth goals;
- 13 (F) Publicize coordinated state efforts that support
14 smart growth, walkable neighborhoods, and
15 transit-oriented development;
- 16 (G) Review state land use decision-making processes
17 to identify ways to make transit-oriented
18 development a higher priority and facilitate
19 better and more proactive leadership in creating
20 walkable communities and employment districts,



1 even if transit will only be provided at a later
2 date; and

3 (H) Approve all state agencies' development plans for
4 parcels along the rail transit corridor."

5 SECTION 4. Section 302A-1608, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§302A-1608 Accounting and expenditure requirements. (a)

8 Each designated school impact district shall be a separate
9 benefit district. Fees collected within each school impact
10 district shall be spent only within the same school impact
11 district for the purposes collected.

12 (b) Land dedicated by the developer shall be used only as
13 a site for the construction of one or more new schools or for
14 the expansion of existing school facilities. If the land is
15 never used for the school facility, it shall be returned to the
16 developer, or the developer's successor in interest. Once used,
17 the land may be sold, with the proceeds used to acquire land for
18 school facilities in the same school impact district.

19 (c) If the land is not used for a school facility within
20 twenty years of its dedication, it shall be returned to the
21 developer, or the developer's successor in interest.



1 (d) Once used for school facilities, all or part of the
2 land may be later sold. Proceeds from the sale shall be used to
3 acquire land for school facilities in the same school impact
4 district.

5 (e) Fee in lieu funds may be used for school site land
6 acquisition and related expenses, including surveying,
7 appraisals, and legal fees. Fee in lieu funds shall not be used
8 for the maintenance or operation of existing schools in the
9 district, construction costs, including architectural,
10 permitting, or financing costs, or for administrative expenses.

11 (f) Notwithstanding subsection (e), fee in lieu funds may
12 be used to purchase completed construction, construct new school
13 facilities, improve or renovate existing structures for school
14 use, or lease land or facilities for school use.

15 [~~f~~] (g) Construction cost component impact fees shall be
16 used only for the costs of new school facilities that expands
17 the student capacity of existing schools or adds student
18 capacity in new schools. Construction cost component impact
19 fees may not be used to replace an existing school located
20 within the same school impact district, either on the same site
21 or on a different site.



1 ~~[(g)]~~ (h) Eligible construction costs include planning,
2 engineering, architectural, permitting, financing, and
3 administrative expenses, and any other capital equipment
4 expenses pertaining to educational facilities.

5 ~~[(h)]~~ (i) Construction cost component impact fees shall
6 not be expended for:

7 (1) The maintenance or operation of existing schools in
8 the district; or

9 (2) Portable or temporary facilities.

10 ~~[(i)]~~ (j) If a closure, demolition, or conversion of an
11 existing permanent department facility within a school impact
12 district that has the effect of reducing student capacity
13 occurs, an amount of new student capacity in permanent buildings
14 equivalent to the lost capacity shall not be funded with school
15 impact fees.

16 ~~[(j)]~~ (k) Fees in lieu, proceeds from the sale of all or
17 part of an existing school site that has been dedicated by a
18 developer pursuant to the requirements of this subpart, and
19 construction cost component impact fees shall be expended or
20 encumbered within twenty years of the date of collection. Fees
21 shall be considered spent or encumbered on a first-in, first-out



1 basis. An expenditure plan for all collected impact fees shall
2 be incorporated into the annual budget process of the department
3 and subject to legislative approval of the budget."

4 SECTION 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2016-2017 to carry
7 out the purposes of this Act.

8 The sum appropriated shall be expended by the department of
9 business, economic development, and tourism for the purposes of
10 this Act.

11 SECTION 6. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 Section 8. This Act shall take effect on July 1, 2076.



Report Title:

Hawaii Interagency Council for Transit-oriented Development;
Established; Coordinated Statewide Planning; Appropriation

Description:

Designates the Office of Planning as the lead state agency for transit-oriented development coordination. Establishes the Hawaii Interagency Council for Transit-oriented Development within DBEDT to coordinated effective and efficient transit-oriented development planning on a statewide level. Appropriates moneys. Allows the Department of Education to use school impact fees for schools statewide. (SB3077 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

March 23, 2016

The Honorable Henry J.C. Aquino, Chair
and Members of the Committee
on Transportation
The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Water
and Land
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Aquino and Yamane, and Committee Members:

Subject: Senate Bill No. 3077, SD 1
Relating to Statewide Community Planning

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 3077, SD 1, **with two requested amendments related to home rule**. The Bill would establish the Hawaii Interagency Council for Transit-Oriented Development (TOD) within the Department of Business, Economic Development and Tourism to coordinate effective and efficient TOD planning on a statewide level.

Under the City's TOD initiative, the DPP has long believed that State participation is essential to developing mixed-use, mixed-income projects in the TOD areas because of the amount of State lands in close proximity to the rail stations. The State is able to provide land and funding to develop more affordable and workforce housing, provide required infrastructure to support development of State-owned parcels, and contribute to increasing the regional capacity of major infrastructure systems to accelerate development. It is also critical to designate an agency or working group to coordinate TOD and smart growth planning efforts of the many different agencies that own State lands or have a role in development and finance.

We are deeply grateful for the interest, support and commitment that many State agencies have already shown towards TOD. Senate Bill No. 3077, SD 1, will formalize a comprehensive coordination strategy at the State level. However, we are concerned that it

The Honorable Henry J.C. Aquino, Chair
and Members of the Committee
on Transportation

The Honorable Ryan I. Yamane, Chair
and Members of the Committee
on Water and Land

Hawaii House of Representatives

Re: Senate Bill No. 3077, SD 1

March, 23, 2016

Page 2

would intrude on county home rule by authorizing the proposed Council to prioritize projects on both State and county lands. The Council should limit itself to prioritizing projects on State lands, as the county is already prioritizing projects on its lands.

In addition, while the Bill acknowledges the county-determined TOD boundaries, it also sets as an option areas within a one-half-mile radius of transit stations. This latter option should be dropped, as the county carefully determined its TOD boundaries based on potential development areas that will be influenced and enhanced by rail ridership. A one-half-mile radius can be arbitrary and ensuing development may not contribute to TOD goals.

We believe it is critical for the State to coordinate planning and prioritize its investments in TOD infrastructure and projects on State lands. The City is eager to continue collaborating with the State on this effort.

Please adopt Senate Bill No. 3077, SD 1, with the requested amendments.

Thank you for the opportunity to testify.

Very truly yours,



George I. Atta, FAICP
Director

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

April 1, 2016

The Honorable Sylvia Luke, Chair
and Members of the Committee on Finance
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Luke and Committee Members:

Subject: Senate Bill No. 3077, SD 1, HD 1
Relating to Statewide Community Planning

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 3077, SD 1, HD 1, which would establish the Hawaii Interagency Council for Transit-Oriented Development (TOD) within the Department of Business, Economic Development and Tourism (DBEDT). The Council would coordinate State TOD planning.

Under the City's TOD initiative, the DPP has long believed that State participation is essential to developing mixed-use, mixed-income projects in the TOD areas because of the amount of State lands in close proximity to the rail stations. The State is able to provide land and funding to develop more affordable and workforce housing, provide required infrastructure to support development of State-owned parcels, and contribute to increasing the regional capacity of major infrastructure systems to accelerate development. It is also critical to designate an agency or working group to coordinate TOD and smart-growth planning efforts of the many different agencies that own State lands or have a role in development and finance.

We are deeply grateful for the interest, support and commitment that many State agencies have already shown towards TOD. Senate Bill No. 3077, SD 1, HD 1, will formalize a comprehensive coordination strategy at the State level, and acknowledge the work that has already been accomplished by the City and State agencies. We are pleased that the HD 1 version of the Bill acknowledges the county's adopted TOD boundaries, which are based on careful analyses of where development will be influenced and enhanced by rail ridership.

The Honorable Sylvia Luke, Chair
and Members of the Committee on Finance
Hawaii House of Representatives
Hawaii State Capitol
Re: Senate Bill No. 3077, SD 1, HD 1
April 1, 2016
Page 2

We believe it is critical for the State to coordinate planning and prioritize its investments in TOD infrastructure and projects on State lands. The City looks forward to continued TOD collaboration with the State under Senate Bill No. 3077, SD 1, HD 1.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in cursive script that reads "George I. Atta".

George I. Atta, FAICP
Director

Honolulu, Hawaii
March 24, 2016

RE: S.B. No. 3077
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Transportation and Water & Land, to which was referred S.B. No. 3077, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATEWIDE COMMUNITY PLANNING,"

beg leave to report as follows:

The purpose of this measure is to properly, effectively, and efficiently address the numerous issues facing transit-oriented development statewide through a coordinated, intergovernmental, and interagency approach by establishing the Hawaii Interagency Council for Transit-Oriented Development (Interagency Council) and appropriating funds for the creation and operations of the Interagency Council.

The Department of Business, Economic Development, and Tourism and Hawaii Housing Finance and Development Corporation testified in support of this measure. The Office of Planning, Hawaii Public Housing Authority, Department of Education, and Department of Planning and Permitting of the City and County of Honolulu testified in support of the intent of this measure. The Chamber of Commerce Hawaii, Building Industry Association of Hawaii, and Land Use Research Foundation of Hawaii provided comments.

Transit-oriented development can provide significant economic, social, and environmental benefits through the co-location of jobs, workforce housing, and economic opportunities in mixed-use communities at public transportation hubs. However, the development of transit-oriented development plans encompasses a



wide spectrum of issues over multiple jurisdictions. Your Committees find that establishing the Interagency Council will allow for a more coordinated effort among county, state, and federal governmental agencies, as well as the private and nonprofit sectors, to comprehensively address the issues facing transit-oriented development plans statewide.

Your Committees note that concerns were raised regarding the lack of professionals with real estate development experience on the Interagency Council and that this issue should be considered further.

Your Committees have amended this measure by:

- (1) Clarifying that the responsibility of the Interagency Council is to coordinate and facilitate state agency transit-oriented development planning, and facilitate consultation and collaboration between the State and the counties on transit-oriented development initiatives;
- (2) Clarifying that the Interagency Council is the State's transit-oriented development planning and policy development entity;
- (3) Clarifying that the plan formulated by the Interagency Council is a strategic plan rather than a unified ten-year statewide plan;
- (4) Clarifying that the jurisdiction of the Interagency Council is limited to projects on State lands to avoid conflicts with transit-oriented development planning and policy efforts currently underway at the county level;
- (5) Clarifying that reviews by the Interagency Council of all capital improvement project requests to the Legislature for transit-oriented development projects on state lands be for projects on state lands within county-designated transit-oriented development zones or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development zones;
- (6) Requiring the Interagency Council to compile an inventory of state, county, and private sector transit-oriented development projects lacking infrastructure, identify the type of infrastructure each project lacks,



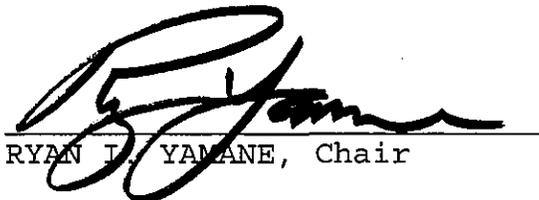
and approximate the timeframe when additional capacity is needed for each county as part of its strategic plan;

- (7) Designating the Office of Planning as the lead agency to coordinate and advance smart growth and transit-oriented development planning within the State and specifying mandated activities of the Office of Planning regarding smart growth and transit-oriented development;
- (8) Authorizing school impact fees collected from transit-oriented development projects to be used by existing schools in the transit-oriented development area; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should the Committee on Finance deliberate this measure further, your Committees on Transportation and Water & Land respectfully request that it consider appropriating \$50,000 for the Department of Business, Economic Development, and Tourism to carry out the purposes of this measure.

As affirmed by the records of votes of the members of your Committees on Transportation and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3077, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3077, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Water & Land,


RYAN J. YAMANE, Chair


HENRY J.C. AQUINO, Chair



Honolulu, Hawaii

April 7, 2016

RE: S.B. No. 3077
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 3077, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATEWIDE COMMUNITY PLANNING,"

begs leave to report as follows:

The purpose of this measure is to address the numerous issues facing transit-oriented development statewide through a coordinated, intergovernmental, and interagency approach by:

- (1) Establishing the Hawaii Interagency Council for Transit-Oriented Development (Interagency Council) and appropriating funds for the creation and operations of the Interagency Council;
- (2) Designating the Office of Planning as the lead agency to coordinate and advance smart growth and transit-oriented development planning within the State and specifying mandated activities of the Office of Planning regarding smart growth and transit-oriented development; and
- (3) Allowing school impact fees collected from transit-oriented development projects to be used by existing schools in the transit-oriented development area.

The Department of Business, Economic Development, and Tourism; Department of Education; Office of Planning; Hawaii Housing Finance and Development Corporation; and Department of

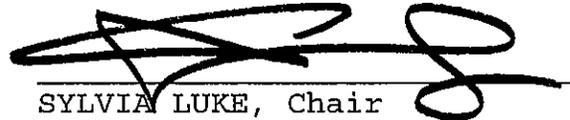
SB3077 HD1 HSCR FIN HMS 2016-3104



Planning and Permitting of the City and County of Honolulu supported this measure. The Department of the Attorney General, Office of Hawaiian Affairs, Hawaii Public Housing Authority, IMUAlliance, Land Use Research Foundation of Hawaii, Hawaii State Teachers Association, Building Industry Association of Hawaii, The Chamber of Commerce of Hawaii, and a concerned individual submitted comments.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3077, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


SYLVIA LUKE, Chair



ATTACHMENT E

HONOLULU RAIL TRANSIT

DELIVERY OF TRAIN #1 TO HONOLULU

April 21, 2016

Train #1 Delivery



from concept

to reality



Carshells



Carshells built in Reggio Calabria, Italy



and shipped to Pittsburg, CA for final assembly work

Carshells Ready for Assembly Work in Pittsburg, CA



Assembly Work in Pittsburg, CA



Train #1 Delivery to Honolulu



Left Pittsburg, CA



Arrived at Honolulu Port

Train 1 Being Delivered to the ROC



TRAIN #1 – All Four Cars Coupled at the Rail Operations Center



QUESTIONS & ANSWERS

MAHALO!

ATTACHMENT F

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

AIS Delay Provisional Sum Reconciliation

April 21, 2016

AIS Delay Provisional Sum Reconciliation

- Construction suspended 13 months
- Contractor obligated to mitigate impact
- Reimburse Contractor for actual costs incurred including overhead but not profit during the suspension period
- Perform monthly invoice review based upon agreed staffing, craft, and equipment requirements
- Perform cost audit prior to final billing
- Close out provisional sum change orders

AIS Delay Provisional Sum Allowances

Contract	Dec. 2012	Apr. 2013	Total
WOFH	\$ 17,600,000	\$ 5,800,000	\$ 23,400,000
KHG	\$ 4,200,000	\$ 1,500,000	\$ 5,700,000
Approved Total	\$ 21,800,000	\$ 7,300,000	\$ 29,100,000

AIS Delay Provisional Sum Summary

Contract	Approved Change Orders	Final Reconciled "Audited" Costs	Funds Remaining
WOFH	\$ 23.4M	\$ 20.4M	\$ 3.0M
KHG	\$ 5.7M	\$ 4.5M	\$ 1.2M
Total	\$ 29.1M	\$ 23.6M	\$ 4.2M

Requesting Board Approval for:

WOFH Change Order 91 for a credit of (\$3,023,600.00)

KHG Change Order 29 for a credit of (\$1,223,824)

The credited dollars will be returned to the respective WOFH and KHG

Contract Allocated Contingency

Mahalo!



AIS Delay Provisional Sum Change Orders Management and Reporting

- Certified Contractor Invoices
- Monthly Invoice Review
- Cost Review by Third Party Prior to Final Payment
- Final Invoice Reconciliation

AIS Delay Provisional Sum Change Orders

Prior Approvals

Contract	Approved	Initial KIWC Invoice	Final KIWC Invoice	HART Reconciled	HART Final Payment
WOFH	\$ 23.4M	\$ 33.1M	\$ 20.4M	\$ 19.3M	\$ 1.5M
KHG	\$ 5.7M	\$ 4.5M	\$ 4.2M	\$ 4.3M	\$ 0.1M
Total	\$ 29.1M	\$ 25.9M	\$ 22.0M	\$ 23.6M	\$ 1.6M

ATTACHMENT H

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Construction and Traffic Update April 21, 2016

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

HART

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Rail Operations Center (ROC)



Physical Construction Completion	96%
Contract Billed to Date	93%
Contract Billing Planned Per Schedule	97%

- *ROC construction currently tracking to the planned Substantial Completion date of May 2016 pending fire detection acceptance.*



West Oahu Farrington HWY (WOFH)

Construction Completion	79.6%*
Contract Billed to Date	80.1%
Contract Billing Planned Per Schedule	91.9%

- *Contract Substantial Completion: July 2016*
- *Projected Completion-Guideway Structure, Track and Roadway Civil – July 2016, LCC Station At-grade Section – December 2016*
- *DOH has lifted equipment restrictions*
- *Traffic Signal work to proceed*

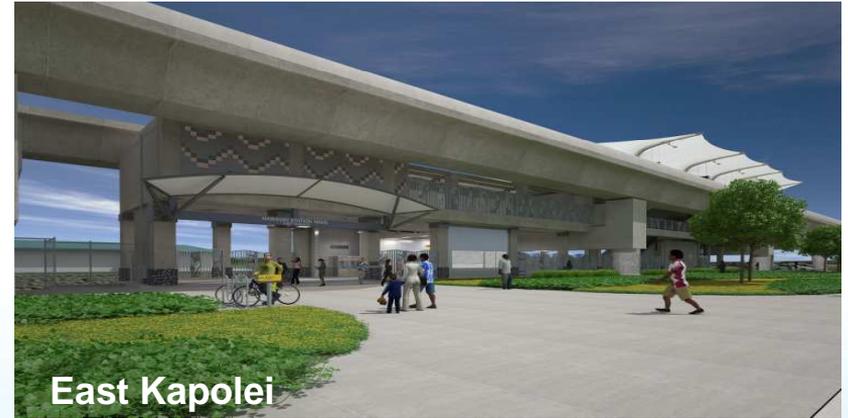
* Reduction in % due to mill & overlay roadway being added.



West Oahu Stations

Construction Completion	3%
Contract Billed to Date	0%
Contract Billing Planned Per Schedule	0%

- Contractor mobilized on Feb 29, 2016 at UH West Oahu and has set up field office and begun building formwork.
- Revised Baseline Schedule comments sent back to contractor; awaiting resubmission.
- Preconstruction and Pre-Activity in progress.
- Awaiting approvals for Right of Entry at Ho'opili. Contractor documentation to comply with Right of Entry submitted.
- Construction coordination continues with interfacing contractors.



Farrington HWY Stations

Construction Completion	0.1%
Contract Billed to Date	0%
Contract Billing Planned Per Schedule	15%

- Contractor received approval of Environmental Compliance Plan on 3/25/16 allowing construction to commence.
- Steel reinforcement work ongoing at West Loch for drilled shafts.
- Access to LCC still problematic.



Kamehameha Highway Guideway (KHG)

Physical Construction Completion 27.7%*

Contract Billed to Date 57.3%

Contract Billing Planned Per Schedule 95.9%

Contract Substantial Completion: September 2016

Projected Completion

- Guideway Structure and Track – April 2017
- Roadway Civil – September 2017

* Reduction in % due to tracking 3 additional items (track work, third rail, and mill & overlay roadway)



H2R2 Ramp

Construction Completion	7%
Contract Billed to Date	1%
Contract Billing Planned Per Schedule	98%

- *Work proceeding now that environmental remediation on HDOT ROW on Lee property completed.*
- *Unforeseen utilities encountered at 30-inch corrugated metal pipe. HART working to resolve to provide direction to the contractor ASAP.*



Pearl Highlands Station

Kamehameha HWY Stations Group (KHSKG)

Construction Completion	0%
Contract Billed to Date	0%
Contract Billing Planned Per Schedule	0%

- *Administrative NTP issued April 1st, 2016*
- *Anticipated construction start is July 2016*



Moving Forward: The Next 10 Miles



Airport Advanced Utilities

Physical Construction Completion	48%
Contract Billed to Date	42%

- *Airport Section Utility Construction currently is tracking 2 months behind the planned Substantial Completion date based upon the contractors recent unapproved schedule*



Moving Forward: The Next 10 Miles

Airport Guideway and Stations D/B Contract

- Technical Proposals and Bids – received and under evaluation
- Anticipated Award – July 2016
- Anticipated NTP – September 2016

City Center Guideway and Stations D/B Contract

- Technical Proposals and Bids – due July 14, 2016
- Anticipated Award – October 2016
- Anticipated NTP – December 2016



Traffic Update



Farrington Highway in Waipahu



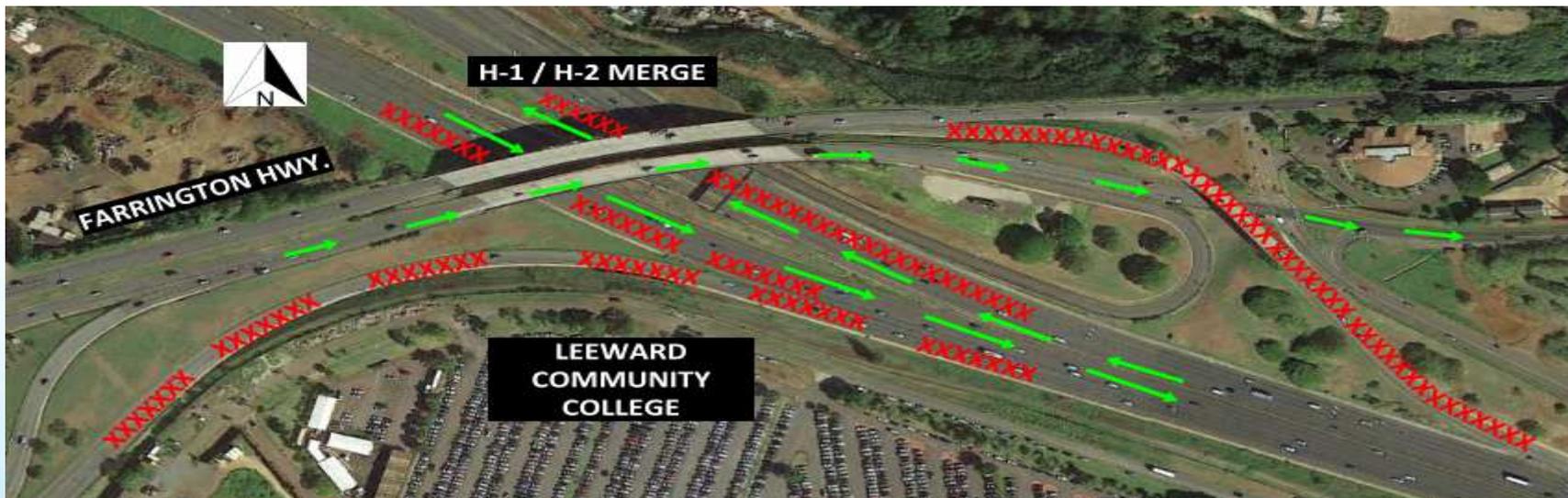
- Eastbound and westbound crossovers between Mokuola and Awamoku Streets for truss removal.
- Closures in place from 8:30 AM to 5:30 AM the following day.

Farrington Highway in Waipahu



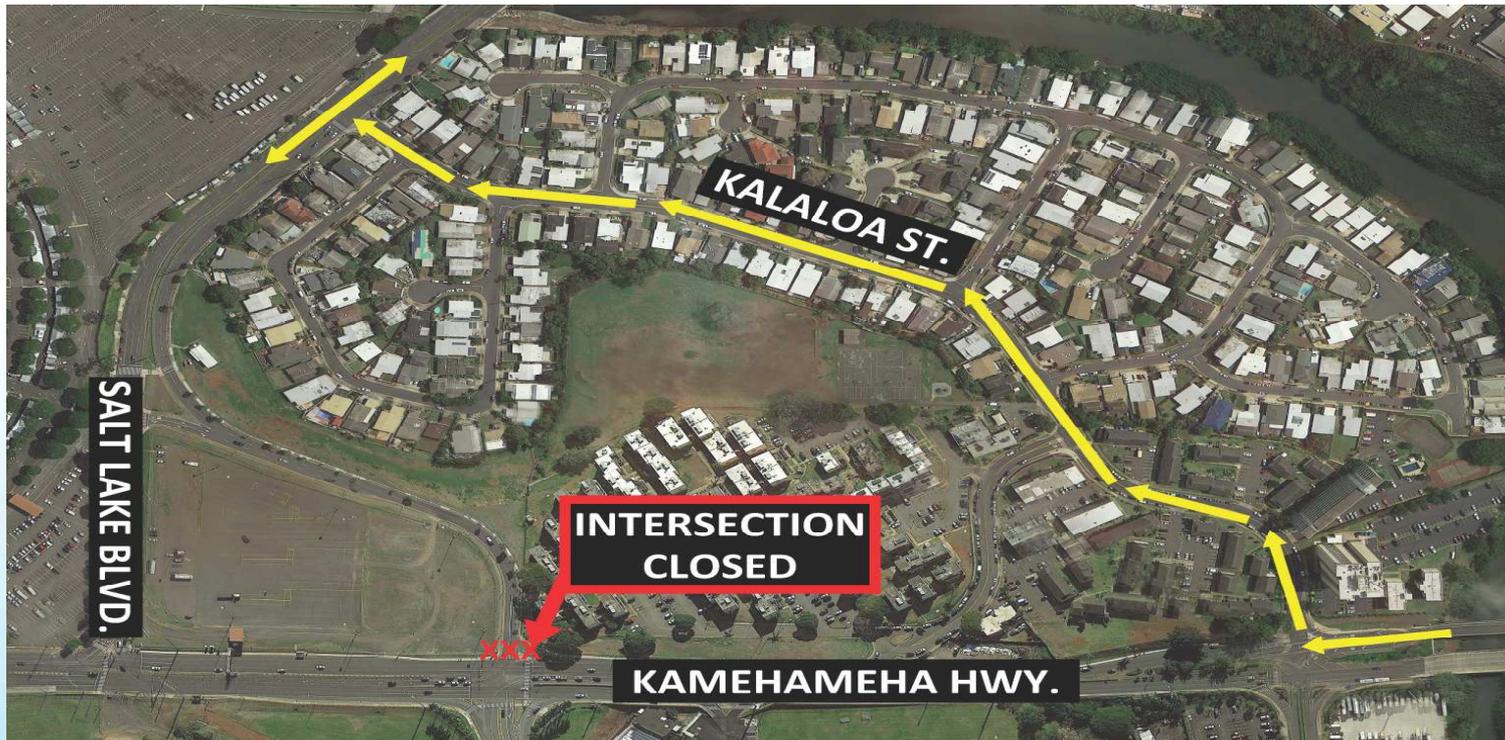
- Intersection closures at Kahualii Street for road restoration

Farrington Highway in Waipahu



- Standard nightly closures at the H-1/H-2 merge

Kamehameha Highway – Pearl City



- Nightly Salt Lake Boulevard intersection closures for segment installation

Kamehameha Highway – Pearl City



- Eastbound and westbound inside lanes closed between Kanuku and Kaonohi Streets for equipment installation.
- All lanes will be open during peak travel times depending on direction.

Kamehameha Highway – Pearl City



- 24/7 eastbound and westbound inside lanes closed from Honomanu Street to the Moanalua Freeway merge
- First two phases of ultimate three-phased plan for drilled shaft work

Kamehameha Highway – Pearl City



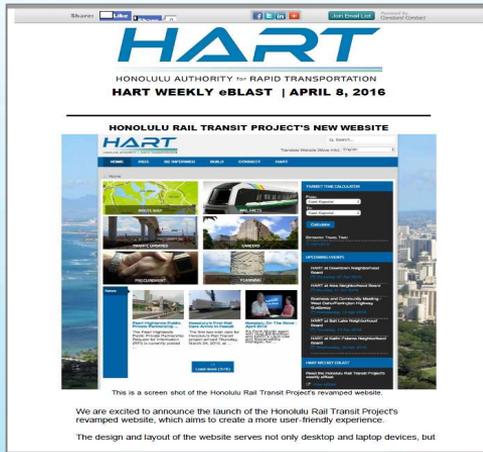
- 24/7 westbound crossover between Honomanu Street and Moanalua Freeway merge
- Third phase for drilled shaft work

Stay Connected

- Monthly HART Facts Ad
- Public Access Television Program
- Weekly e-Blast
- Weekly Traffic Advisories
- Website and Social Media

PROJECT REVENUE STATUS As of February 1, 2016		Projections to Date*	Collected or Committed to Date	Percentage (of projections)
REVENUE SOURCE:		(in millions)	(in millions)	
Project Beginning Cash Balance (Dec. 2009)		\$ 288	\$ 288	100%
General Excise Tax (GET) Surcharge ²		3,291	1,239	38%
Federal New Starts Funds		1,500	1,056	68%
Other Federal Transportation Funds		214	4	2%
Interest Income		2	9	—
TOTAL		\$5,355	\$2,626	49%
1 - Projections to date from the June 2012 Financial Plan. 2 - Total GET Surcharge revenue collected since January 1, 2007, is \$1.59 billion (includes \$378 million collected before December 2009).				
PROJECT COST STATUS As of February 1, 2016		Current Budget ¹	Amount Committed ²	Amount Expended ³
		(in millions)	(in millions)	(in millions)
Guideway & Track Elements		\$1,159	\$ 506	\$ 292
Stations, Stops, Terminals, Intermodal		419	302	2
Support Facilities, Yards, Shops, Admin		115	115	92
Sitework & Special Conditions		1,007	730	569
Systems		249	234	40
Vehicles		191	191	36
SUB-TOTAL*		\$3,140	\$2,122	\$1,033
Right-of-Way (ROW), Land, Existing Improvements		\$ 108	\$ 104	\$ 100
Professional Services (e.g., Planning and Design)		123	1,049	787
Contingency		487	7	1
Finance Charges		25	0	0
SUB-TOTAL*		\$2,024	\$1,160	\$ 888
TOTAL*		\$5,164	\$3,282	\$1,921
1 - Current Budget reflects the June 2012 Baseline Budget with executed Budget Transfers. 2 - Approved contract value. 3 - Portion of the work that has been paid. * All costs are recorded to the millions therefore subtotals may not add up to the amounts shown.				

DID YOU KNOW? HART has ordered a fleet of 80 rail cars.



HART Rapid Response:

- 24-Hour Project Hotline number 808-566-2299
- Email Inquiries: info@HonoluluTransit.org
- Website Inquiries

Mahalo!

