

NOTICE TO REQUESTER

TO: request+y9mwkm6ews@foi.uipa.org
(Requester's name)

FROM: Honolulu Authority for Rapid Transportation
Traci K. Toguchi, Phone: (808) 768-6275, Email: traci.toguchi@honolulu.gov
(Agency, and agency contact person's name, telephone number, & email address)

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: February 6, 2020

DATE OF THIS NOTICE: February 6, 2020

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

1. (See attached copy of request.)
- 2.
- 3.
- 4.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Cannot be granted. Agency is unable to disclose the requested records for the following reason:

- Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
- Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
- Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

Will be granted in part and denied in part, **OR** Is denied in its entirety
Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.
(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: request+y9mwkm6ews@foi.uipa.org

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- On February 6, 2020.
- After **prepayment** of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received), or
- Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: _____ hours (\$2.50 for each 15-minute period)	\$
Review & segregation	Estimate of time to be spent: _____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ _____>
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	
Total Estimated Fees:		\$

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ _____ per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	_____	\$
Total Estimated Costs:		\$

TOTAL ESTIMATED FEES AND COSTS from above: \$

- The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.
- PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$
- UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME \$

Payment may be made by: cash
 personal check payable to _____
 other _____

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

From: Natalie Iwasa [<mailto:request+y9mwkm6ews@foi.uipa.org>]

Sent: Wednesday, February 05, 2020 6:25 PM

To: Transit Mailbox

Subject: Records Request for Honolulu Authority for Rapid Transportation: Communication from Jade Butay [#315]

Aloha,

Pursuant to the public records law, I would like to request the following records in electronic format sent to my email address.

Letter from Jade Butay, Hawaii DOT, to HART regarding concerns related to interim opening October 2020. This letter was mentioned during HART's meeting January 30.

Mahalo,

Natalie Iwasa

REQUEST TO ACCESS A GOVERNMENT RECORD

This is a model form that may be used by a Requester to provide sufficient information for an agency to process a record request. Although the Requester is not required to use this form or to provide any personal information, the agency needs enough information to contact the Requester with questions about this request or to provide its response. This request may not be processed if the agency has insufficient information or is unable to contact the Requester.

DATE: 02-06-2020

TO: **Honolulu Authority for Rapid Transportation**
Agency that Maintains the Government Record

transitmailbox@honolulu.gov
Agency's Contact Information

FROM: request+y9mwkm6ews@foi.uipa.org
Requester's Name or Alias

request+y9mwkm6ews@foi.uipa.org
Requester's Contact Information

AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the requested government record will prevent delays in locating the record. Attach additional pages if needed.

Letter from Jade Butay, Hawaii DOT, to HART regarding concerns related to interim opening October 2020. This letter was mentioned during HART's meeting January 30.

I WOULD LIKE: (Please check one or more of the options below, as applicable)

- To inspect the government record**
- A copy of the government record:** (Please check only one of the options below.) See the next page for information about fees and costs that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.
- Pick up at agency (**date and time**): _____
- Mail (address): _____
- E-mail (address): request+y9mwkm6ews@foi.uipa.org
- Fax (toll free and only if available; provide fax number): _____
- Other, if available (please specify): _____

- If the agency maintains the records in a form other than paper, please advise in which **format you would prefer to have the record.**

Electronic Audio Other (please specify): _____

[] Check this box if you are attaching a request for waiver of fees in the public interest
(See waiver information on next page).

FEES FOR PROCESSING PUBLIC RECORD REQUESTS

You may be charged fees for the services that the agency must perform when processing your request for public records, including fees for making photocopies and other lawful fees. **The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you.** Fees are as follows:

Search for a Record	\$2.50 for 15 minutes
Review and Segregation of a Record	\$5.00 for 15 minutes

Generally, no search, review, and segregation fees may be charged if you are making a request for personal records that are about you.

WAIVER OF FEES IN THE PUBLIC INTEREST

As an alternative to the \$30 fee waiver (not in addition to), the agency may waive the first \$60 of fees for searching for, reviewing and segregating records when the waiver would serve the public interest. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are

- (1) The requested record pertains to the operations or activities of an agency;
- (2) The record is not readily available in the public domain; and
- (3) The requester has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

COSTS

The Agency may charge you any other lawful fees and the costs to copy and deliver your personal or public record request.

AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in ***extenuating circumstances***, the agency must respond within 20 business days from the date of your request. If you have questions about the response time or the records being sought, you should first contact the agency and request to consult with the agency's UIPA contact person.

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies and a requester must seek records directly from the agency. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at 808-586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

REQUESTER'S RESPONSIBILITIES

You have certain responsibilities under section 2-71-16, Hawaii Administrative Rules, which include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees and costs, if assessed. The rules and additional training materials are available online at oip.hawaii.gov or from OIP.

HART

DAVID Y. IGE
GOVERNOR



'20 JAN 28 11:55

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
RTS 20.001

January 22, 2020

Mr. Andrew Robbins
Executive Director and Chief Executive Officer
Honolulu Authority for Rapid Transit
City and County of Honolulu
Alii Place, Suite 1700
1099 Alakea Street
Honolulu, Hawaii 96813

Mr. Wes Frysztacki
Director
City and County of Honolulu
Department of Transportation Services
Frank F. Fasi Municipal Building
650 South King Street, Third Floor
Honolulu, Hawaii 96813

Dear Messrs. Robbins and Frysztacki:

Subject: Honolulu Rail Transit Project Interim Opening 1

The Hawaii Department of Transportation (HDOT) State Safety Oversight Agency (SSOA) is responsible for ensuring the safety and security of the Honolulu Rail Transit Project (H RTP) from engineering through passenger service. HDOT is writing to reiterate expectations and to request clarification on project schedule from the Honolulu Authority for Rapid Transportation (HART) and the City and County of Honolulu, Department of Transportation Services (DTS).

Based upon the Monthly Progress Report HART submitted to the Federal Transit Administration (FTA) on November 29, 2019, the "Interim Revenue Service Date is planned for no later than December 2020." Section 6.7.6 of this report notes an "Interim Revenue Service goal of October 2020." This goal is not expanded upon anywhere else in the report. Project documents currently available to HDOT show an Interim Revenue Service date of December 20, 2020. Neither HART's schedule documents nor the FTA Project Management Oversight Contractor (PMOC) assessment show any meaningful float between now and December.

At a January 8, 2020 HART press conference, Mr. Robbins stated, "The first 10 miles, from East Kapolei through this area to Aloha Stadium, the target date to have it ready is October 2020." Mr. Frysztacki stated, "If the system is really ready to be used in October, then we can talk about perhaps taking some of that budget and applying it for earlier service. I think we are a few months away from that determination."

Mr. Andrew Robbins
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HDOT has consistently advised HART and DTS representatives that all safety and security requirements, including safety and security certification, must be met in order to open rail service to the public. When it comes to safety, security, and emergency preparedness, HDOT does not recognize a limited or “soft” opening as distinct from full revenue service. Provided acceptable workarounds are placed with proper documentation, open items may exist. However, no unacceptable safety risks may be present if any HRTP trains are used to carry any members of the public.

As you know, the SSOA must perform certain oversight tasks as detailed in the HDOT Program Standards and Procedures, and as routinely discussed at meetings with HRTP personnel. A formal kickoff of the Pre-Revenue Service Review was held on December 18, 2019. HDOT and the PMOC have developed oversight schedules to verify readiness for operations based upon an anticipated December 20, 2020 opening. Both parties have planned an iterative process involving several site visits through this year. HDOT is also required to approve certain transit agency documents prior to initiation of passenger service. As of the date of this letter, HDOT has not received any of the required documents as a final draft.

HART is responsible for ensuring the HRTP is designed, engineered, constructed, tested, and commissioned in preparation for passenger service. The Charter Amendment, approved in 2016, charged DTS with managing the HRTP once it enters the operations phase. DTS will therefore be accountable to HDOT and to the FTA for all regulatory requirements applicable to a rail fixed guideway public transportation agency. On June 29, 2018, we provided a letter, RTS 18.016, which addresses HDOT’s concerns about a lack of schedule and plan information regarding the transition of management responsibility over the HRTP. HDOT requested the HRTP team make documents available to the SSOA for review on an ongoing basis to enable the SSOA to fulfill its obligation to verify the project’s readiness for service. This letter emphasized that it is important for HDOT to continue to be informed of the plan and schedule for “any form of passenger service.” HDOT also offered support and provided the commitment of the SSOA program to serve “as a resource to both HART and DTS in advancing planning and preparations for revenue service.”

It is critical for all stakeholders to be on the same page with respect to what is planned for the HRTP. HDOT wishes to coordinate with HART and DTS so that requisite oversight activities can be completed in a manner that does not impact project schedule. If HART and DTS aim to carry any members of the public on the rail system prior to December 20, 2020, then project documents must clearly reflect an achievable plan and schedule to reach that goal.

HDOT requests that HART and DTS confirm an Interim Opening Date within 14 days of receiving this letter. If the date is something other than December 20, 2020, then key project documents must be revised or amended within 30 days.

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While HDOT's oversight schedule would be adjusted accordingly, the activities themselves cannot be rushed or skipped. HDOT cannot concur with HART's certification of the system if plans, procedures, training, operations and maintenance records are not available with sufficient time for the SSOA to review and verify them.

Finally, HDOT cannot concur that DTS is ready to oversee operations if it cannot verify DTS has the capacity to implement guiding safety, security, and emergency preparedness plans and be responsive to SSOA requirements. The SSOA has documented concerns with DTS' readiness in every Site Visit Report issued from February 2018 to present.

Thank you for your attention to this request. The HRTP has made great progress in recent months, and HDOT will continue working diligently to ensure safety and security oversight is completed efficiently in an ongoing basis. If you have any questions or concerns, please contact Brandon Eshenour, SSO Program Manager at (808) 587-2136 or email at brandon.j.eshenour@hawaii.gov.

Sincerely,



JADE T. BUTAY
Director of Transportation

- c: Ed Sniffen, HDOT Deputy Director, Highways Division
- Brandon Eshenour, HDOT State Safety and Security Oversight Program Manager
- Tobias Martyn, HART Board Chair
- Charles "Sam" Carnaggio, HART Project Director
- Jeffrey Siehien, HART Deputy Director of Core Systems
- Ralph McKinney, HART Chief Safety and Security Officer
- Paul Anderson, Hitachi Rail, Honolulu Director of Operations and Maintenance
- Jon Nouchi, DTS Deputy Director
- Eileen Mark, DTS Public Transit Division Director
- Patrick Preusser, DTS Director of Rapid Transit
- Eric Fox, DTS Chief Safety and Security Officer
- Raymond Tellis, FTA Region IX Administrator
- Bernardo Bustamante, FTA Region IX Office of Program Management and Project Oversight Director
- Danny Rogers, FTA PMOC/Hill Engineering
- Dain Pankratz, FTA PMOC/BCG
- Henrika Buchanan, FTA TSO Associate Administrator and Chief Safety Officer
- Ruth Lyons, FTA TSO Senior Program Manager