

# **EXHIBIT 9**

**Adams, Matthew**

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**From:** Thornton, Rob [rthornton@nossaman.com]  
**Sent:** Friday, May 04, 2012 3:42 PM  
**To:** Yost, Nicholas C.; Adams, Matthew; michaeljgreen@hawaii.rr.com  
**Cc:** peter.whitfield@usdoj.gov; Boucher, Leanne  
**Subject:** HonoluluTraffic.Com v. Federal Transmit Administration; Notice of Certain Construction and Pre-Construction Activities (File: 400294-0003)

Counsel,

This email is intended to update you on construction and pre-construction activities through the end of June 2012 that will commence shortly within Sections 1 and 2 of the Rail Project (the West O'ahu-Farrington Highway Guideway section and the Kamehameha Highway Guideway section respectively). It supplements my email to Plaintiffs' counsel dated January 5, 2012.

The contractor will begin site improvements at Waipahu High School. The site improvements consist of site preparation, relocation of an agricultural plot, installation of two new portable classrooms, removal of two old portable classrooms, construction of an internal driveway, construction of a retaining wall, relocation of a speaker pole at the football field, demolition of an existing walkway at the field and installation of a new ADA-compliant walkway at the field. The above improvements are necessary to begin at this time so that the improvements may be completed prior to the return of the students and faculty for the Fall 2012 term. The site improvements are not reversible and would continue to exist in the event that the Project is terminated.

Before June 30th, the contractor also intends to demolish certain properties in Sections 1 and 2 of the project, specifically including the vacant Cutter auto dealership building in Waipahu (94-136 Leoani St. & 94-119 Farrington Hwy), the vacant Continental building near Pearlridge (98-77 Kamehameha Hwy) and vacated structures within the "Banana Patch" area. The above demolitions are not reversible in the event that the Project is terminated.

The contractor will commence utility relocations within Section 2 of the Project. The relocated utilities will remain in place if the project is terminated since the utility owners' operations will not be impacted by these activities.

At the site for the Maintenance and Storage Facility, the contractor intends to start site grading, on-site drainage improvements and installation of utilities. These improvements would remain in the event that the Project is terminated.

The Project will secure all necessary/required approvals and permits prior to commencing the construction and pre-construction activities discussed above.

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