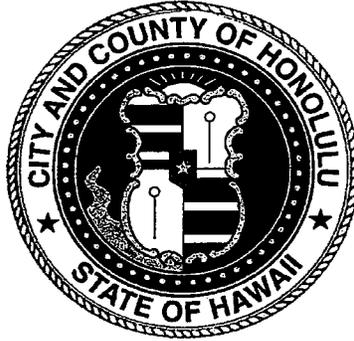


City and County of Honolulu



Department of Transportation Services

2017 FHWA Title VI Program Plan

Approved: _____

Handwritten signature of Wes Frysztacki in black ink.

Wes Frysztacki, Director
Department of Transportation Services

6.26.17

Date

Table of Contents

TITLE VI PROGRAM COMPONENTS

I.	INTRODUCTION	1
II.	POLICY STATEMENT	1
III.	STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES	2
	Appendix A	5
	Appendix B	7
	Appendix C	9
	Appendix D	10
	Appendix E	11
IV.	POLICY FOR DEMOGRAPHIC DATA COLLECTION AND USE	13
V.	ORGANIZATION AND STAFFING.....	14
VI.	DEFINITIONS	15
VII.	PROGRAM AREAS AND COMPLIANCE RESPONSIBILITIES	19
	A. Planning	19
	B. Project Identification	19
	C. Design	19
	D. Right of Way.....	20
	E. Construction	20
	F. Education and Training.....	21
	G. Administration	21
	H. Special Emphasis Program Areas	21
	I. Dissemination of Title VI Information.....	22
VIII.	FORMAT FOR ANNUAL ACCOMPLISHMENTS REPORT	22
IX.	FHWA TITLE VI DISCRIMINATION COMPLAINT PROCEDURES	24

X.	TECHNIQUES FOR INVOLVING ENVIRONMENTAL JUSTICE POPULATIONS IN PLANNING AND PROJECT DEVELOPMENT	28
XI.	COMPLIANCE WITH ENVIRONMENTAL JUSTICE.....	29
XII.	LANGUAGE ACCESS PLAN	31

I. INTRODUCTION

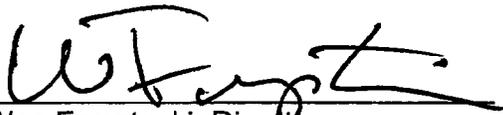
The Department of Transportation Services (DTS) of the City and County of Honolulu (City) is a subrecipient of Federal Highway Administration (FHWA) financial assistance. All FHWA subrecipients are required to comply with non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. In addition, all City agencies who receive FHWA financial assistance will comply with Title VI requirements.

**II. DEPARTMENT OF TRANSPORTATION SERVICES
TITLE VI NONDISCRIMINATION POLICY STATEMENT**

As the Director of the Department of Transportation Services (DTS), I am committed to ensuring that no person shall, on the grounds of race, color, national origin, disability, age or sex, as provided by Title VI of the Civil Rights Act of 1964, Federal-Aid Highway Act of 1973, Age Discrimination Act of 1973, 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act of 1990 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any DTS program or activity.

As a recipient of Federal Highway Administration (FHWA) funds, DTS assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event DTS distributes federal aid funds to another entity, DTS will include Title VI language in all written agreements and will monitor for compliance.

Information concerning DTS' FHWA Title VI Program Plan and complaint procedures are available through Mr. Don Hamada, FHWA Title VI Coordinator at 808-768-8310 or dhamada@honolulu.gov. Any person who believes that he/she has been discriminated on the grounds of race, color, national origin, disability, age or sex, has the right to file a complaint with the DTS' FHWA Title VI Coordinator, City and County of Honolulu's Equal Opportunity Office, Hawaii State Department of Transportation's Office of Civil Rights or Federal Highway Administration's Office of Civil Rights.


Wes Frysztacki, Director
Department of Transportation Services

6-26-17
Date

**III. THE UNITED STATES DEPARTMENT OF TRANSPORTATION
STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES
DOT Order No. 1050.2A**

The "City and County of Honolulu Department of Transportation Services" (hereinafter referred to as the "Recipient") **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat.252), (prohibits discrimination on the basis of race, color, and national origin);
2. 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of The Civil Rights Act of 1964*); and
3. 28 C.F.R. section 50.3 (U. S. Department of Transportation Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes, and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted City and County of Honolulu, Department of Transportation Services:

1. The Recipient agrees that each "activity," "facility," or "program" as defined in

§§21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with the City and County of Honolulu, Department of Transportation Services and, in adapted form in all proposals for negotiated agreements regardless of funding source:

"The City and County of Honolulu, Department of Transportation Services in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award "

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project or program; and
 - b. for the construction or use of, or access to space, on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance

obligates the Recipient or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, or other recipients, subrecipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and the Assurance.

By signing this ASSURANCE, the City and County of Honolulu, Department of Transportation Services also agrees to comply (and require subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions, governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit material for review upon request to the Federal Highway Administration or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City and County of Honolulu, Department of Transportation Services gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on the City and County of Honolulu, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors' transferees, successors in interest and any other participants in the City and County of Honolulu, Department of Transportation Services. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

CITY AND COUNTY OF HONOLULU, DEPARTMENT OF TRANSPORTATION SERVICES

By:


Wes Frysztacki, Director

Dated:

6.26.17

Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City and County of Honolulu will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of the City and County of Honolulu Department of Transportation Services, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000-4), does hereby remise, release, quitclaim and convey unto the City and County of Honolulu all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City and County of Honolulu, Department of Transportation Services and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City and County of Honolulu, Department of Transportation Services, its successors and assigns.

The City and County of Honolulu in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City and County of Honolulu, Department of Transportation Services, will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to vest in and become the absolute property of the

U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.

Appendix C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City and County of Honolulu, Department of Transportation Services, pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.,) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City and County of Honolulu, Department of Transportation Services, will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter and repossess said lands and the facilities thereon, and hold the same as if the (license, lease, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City and County of Honolulu, Department of Transportation Services, will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City and County of Honolulu, Department of Transportation Services, and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose Title VI.

Appendix D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits or similar instruments/agreements entered into by the City and County of Honolulu, Department of Transportation Services, pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City and County of Honolulu, Department of Transportation Services, will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City and County of Honolulu, Department of Transportation Services, will there upon revert to and vest in and become the absolute property of the City and County of Honolulu, Department of Transportation Services, and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Title II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (47 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health and environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP

persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); and

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

IV. POLICY FOR DEMOGRAPHIC DATA COLLECTION AND USE

The Code of Federal Regulations 23, Part 200.9(b) (4) requires the subrecipients to "develop procedures for the collection of statistical data of participants in and beneficiaries of DTS' programs; i.e., relocations, impacted citizens and affected communities." Data collection provides measurable evidence of the DTS' performance for annual reports to HDOT and DTS' efforts to ensure compliance with Title VI, to make certain that the benefits of transportation services are distributed equally as follows:

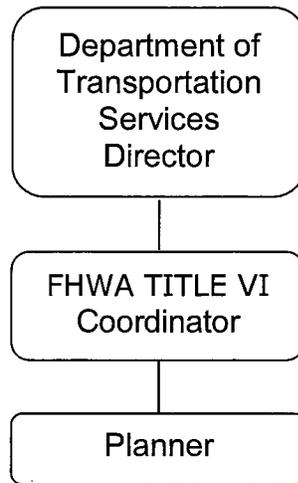
1. The 2010 U.S. Census Data is the initial basis for demographic data;
2. According to the Office of Management and Budget (OMB) the minimum categories for data on race and ethnicity for federal statistics (i.e. Census Bureau), program administrative reporting, and civil rights compliance reporting are defined as follows:¹
 - a. **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
 - b. **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
 - c. **Black or African American.** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."
 - d. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."
 - e. **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
 - f. **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
3. Data on the population by poverty level,² education, travel characteristics, female head of household, public assistance, etc. shall be maintained by census tract and if needed, by block group;
4. Census data may be augmented by substantiated statistics from other federal, state, county, and private agencies.

Each of the Title VI program areas will maintain data to be included in the Title VI Accomplishment Report. Data gathering progress will be reviewed regularly to ensure sufficient quality of the data to meet the requirements of Title VI program administration.

1 62 Fed. Reg. 58789 (October 30, 1997). DTS uses OMB's categories for data on race and ethnicity for data collection, Federal reporting, and civil rights compliance reporting purposes. The categories in this classification are social-political constructs and should not be interpreted as being scientific or anthropological in nature. 62 Fed. Reg. 58788 (October 30, 1997).

2 <http://factfinder2.census.gov>; American Fact Finder, U.S. Census 2010, as updated.

V. ORGANIZATION AND STAFFING³



Director of Department of Transportation Services

The Director is responsible for ensuring implementation of the department's Title VI Program Plan (Plan) including designating a Title VI Coordinator and providing appropriate resources to effectively implement the program requirements.

FHWA Title VI Coordinator

Title VI Coordinator is responsible for coordinating the overall administration of the Plan and reports directly to the Director.

DTS Planner

DTS Planner, under the supervision of the Title VI Coordinator is responsible for the day-to-day administration of the Plan.

³ Current as of December 2015.

VI. DEFINITIONS

Adverse Effects⁴ — The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, may include, but are not limited to:

1. Bodily impairment, infirmity, illness or death;
2. Air, noise, and water pollution and soil contamination;
3. Destruction or disruption of man-made or natural resources;
4. Destruction or diminution of aesthetic values;
5. Destruction or disruption of community cohesion or a community's economic vitality;
6. Destruction or disruption of the availability of public and private facilities and services;
7. Vibration;
8. Adverse employment effects;
9. Displacement of persons, businesses, farms, or nonprofit organizations;
10. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and
11. The denial of, reduction in, or significant delay in the receipt of benefits of DTS programs, policies, or activities.

Affirmative Action⁵ — A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

Compliance⁶ — That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Discrimination⁷ — That act (or action), whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, national origin, disability, age or sex has been otherwise subjected to unequal treatment under any program or activity receiving federal assistance from the Federal Highway Administration under title 23 U.S.C.⁸

4 U.S. DOT Order 1000.12.

5 U.S. DOT Order 5610.2.

6 Id.

7 Id.

8 See also, U.S. DOT Order 1000.12.

Disproportionately High and Adverse Effect⁹ — An adverse effect that is:

1. Predominately borne by a minority population and/or a low income population; or
2. Will be suffered by the minority population and/or low income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population.

Environmental Justice (EJ)¹⁰ — EJ is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

FHWA further affirms three fundamental EJ principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Federal Assistance¹¹ — Includes:

1. Grants and loans of Federal funds;
2. The grant or donation of Federal property and interests in property;
3. The detail of Federal personnel;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. Any Federal agreement, arrangement, or other contract, which has, as one of its purposes, the provision of assistance.

Low Income¹² — A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

9 U.S. DOT Order 5610.2

10 U.S. Environmental Protection Agency (EPA) website at <http://www.epa.gov/environmentaljustice/index.html>

11 23 U.S.C. § 200

12 U.S. DOT Order 5610.2.

Low Income Population¹³ — Any readily identifiable group of low income persons (a person whose median household income is at or below the Department of Health and Human Services poverty guidelines) who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DTS program, policy or activity.

Minority¹⁴ — Means a person who is:

Black. (a person having origins in any of the black racial groups of Africa);

Hispanic. (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);

Asian American. (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);

American Indian and Alaskan Native. (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition); and

Native Hawaiian or Other Pacific Islander. (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

Minority Population¹⁵ — Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DTS program, policy or activity.

13 U.S. DOT Order 5610.2. The Department of Health and Human Services (HHS) poverty guidelines are used as eligibility criteria for the Community Services Block Grant Program and a number of other Federal programs. However, a State or locality may adopt a higher threshold for low-income as long as the higher threshold is not selectively implemented and is inclusive of all persons at or below the HHS poverty guidelines.

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>; <http://factfinder2.census.gov>

14 2010 Census; From the U.S. DOT Order on Environmental Justice. See also,

www.fhwa.dot.gov/environment/ejustice/facts/index.htm.

Note: See, *Environmental Justice in the OMPO [OahuMPO] Planning Process: Defining Environmental Justice Populations*, at <http://www.oahumpo.org/T6EJ/Final2001/2004Update.pdf>. Whenever feasible, for DTS EJ purposes, the Asian American category, as well as the Native Hawaiian or Other Pacific Islander minority population category, may not be grouped collectively. Considering the unique characteristics of Asians and Native Hawaiian or Other Pacific Islanders in Hawaii, and because Hawaii remains a majority minority i.e., more than 50 percent of the area population is non-White, to avoid having the majority minority dominate the environmental justice identification process when feasible, DTS reports and collects data on the following detailed races: Chinese, Filipino, Japanese, Korean, Vietnamese, Native Hawaiian, Samoan, Tongan, Guamanian (i.e. Chamorro)

15 U.S. DOT Order 5610.2.

Persons¹⁶ — Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic or Latino," "Asian," "Native Hawaiian or Other Pacific Islander,"¹⁷ "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis

Program¹⁸ — Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient¹⁹ — Any State, City, County, political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual to whom Federal assistance is extended, either directly or through another recipient (subrecipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

Title VI Program²⁰ — The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, disability, age or sex in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d — 2000d-7);
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655);
3. Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619);
4. 23 U.S.C. § 109h;
5. 23 U.S.C. § 324;
6. Subsequent Federal-Aid Highway Acts and related statutes;
7. Age Discrimination Act of 1975; and,
8. Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990.

¹⁶ 23 C.F.R. § 200

¹⁷ Since the Regulations, at 23 C.F.R. § 200 defining Person vis-a-vis FHWA's implementation of the Title VI Program, the Office of Management and Budget (OMB), the Federal agency charged with overseeing the preparation of the federal budget and to supervise its administration in Executive Branch agencies has made two modifications to the Standards for the Classification of Federal Data on Race and Ethnicity: (1) the Asian or Pacific Islander category will be separated into two categories — "Asian" and "Native Hawaiian or Other Pacific Islander," and (2) the term "Hispanic" will be changed to "Hispanic or Latino." See 62 Fed. Reg. 58782 (October 30, 1997). The standards have been developed to provide a common language for uniformity and comparability in the collection and use of data on race and ethnicity by Federal agencies. See also 2010 Census Redistricting Data (Public Law 94-171) Summary File were released on a state-by-state basis. The 2010 Census redistricting data are available on the Internet at <http://factfinder2.census.gov/main.html>.

¹⁸ 23 C.F.R. 200.

¹⁹ Id.

²⁰ Id.

VII. PROGRAM AREAS AND COMPLIANCE RESPONSIBILITIES

A. Planning

The DTS is responsible for providing long-range and short-range planning necessary to provide efficient transportation services to the residents of the City and County of Honolulu (City). A comprehensive planning process is conducted through the Oahu Metropolitan Planning Organization's (OahuMPO) Oahu Regional Transportation Plan (ORTP) for long-range planning, Transportation Improvement Program (TIP) for short-range planning and programming of projects, and the Oahu Work Program (OWP) for planning studies.

Description and Responsibilities:

1. Evaluate and ensure that planning activities have satisfied Title VI and EJ considerations;
2. Conduct Environmental Assessments or Environmental Impact Statements for major projects, and ensure that Title VI and EJ issues are addressed or mitigated; and
3. Summarize problems and/or complaints, if any, for the Title VI annual report.

B. Project Identification

Project identification results from a variety of processes, such as, abiding with master plans and/or agreements or transportation studies.

Description and Responsibilities:

1. Scope and nature of work of the project, i.e., relieves congestion and/or provides traffic improvements;
2. Consistent with current mandates or master plans such as, Complete Streets requirements, or Oahu Bike Plan;
3. Fulfills or meets the traffic warrant requirements as specified in the scope of work;
4. Consistent with the implementation schedule for projects subject to geographic and landscape restrictions; and
5. Summarize problems and/or complaints, if any, for the Title VI annual report.

C. Design

Design involves several phases of project development including preliminary design, development of alternatives, selection of options and final design. Stakeholder involvement should continue throughout these phases. Consultant contracts may be utilized for one or more of these phases.

Description and Responsibilities:

1. Conduct National Environmental Policy Act (NEPA) Environmental Assessment, Categorical Exclusion, and/or State environmental requirements to include and

- ensure that Title VI and EJ and LEP issues are addressed or mitigated in those assessments;
2. Ensure that public participation activities provide opportunities during the design phase for minority and low-income populations to receive information on the project, and afforded an opportunity to comment and participate in public forums, meetings, neighborhood boards;
 3. Obtain demographic data at community meetings and public hearings relating to the design phase. Gather data through the use of voluntary sign-up forms which includes race, gender, national origin, and sex. Consult the Title VI Coordinator when Title VI issues are raised at public hearings;
 4. Provide the Title VI Coordinator the required participant's and beneficiary statistical data by race/ethnic origin and sex; and
 5. Summarize problems and/or complaints, if any, for the Title VI annual report.

D. Right of Way

Review of right-of-way activities shall begin when a project is in the initial development stage. Activities shall be coordinated with various planning and/or design staff (such as potential acquisition of dwellings and businesses and assistance in identifying minority and low-income populations affected by the project). Additionally, other right-of-way reviews shall include title clearance, procurement of professional services, appraisal and review of properties to be purchased, negotiation with property owners, acquisition of properties, relocation assistance to families and businesses, adjustment of utilities and project certification.

Description and Responsibilities:

1. Ensure that equitable treatment is given to all businesses and persons displaced by City projects regardless of race, color, national origin, or sex;
2. Provide information in the appropriate language and/or interpreters if affected property owners' primary language is not English; and
3. Summarize problems and/or complaints, if any, for the Title VI annual report.

E. Construction

The construction process includes pre-construction (design and contracting), construction and post-construction (maintenance). Construction focus is placed on the delivery and construction of capacity enhancing, operational improvements, as well as general maintenance of projects that provide and promote the transportation needs for the residents of the City.

Description and Responsibilities:

1. Monitor and take corrective action on any civil rights complaints involving competitive bidding procedures;
2. Monitor contract provisions, sub-contract agreements (first and second tier), material supply and equipment lease agreements to ensure Title VI contract provisions for all federal-aid projects; and

3. Summarize problems and/or complaints, if any, for the Title VI annual report.

F. Education and Training

The Title VI Coordinator will conduct and/or coordinate annual internal training for managers, supervisor, and staff to address Title VI requirements, complaint handling procedures, and related responsibilities in accordance with the Plan. Seminars and symposiums for staff will be planned and organized, as needed.

G. Administration

The DTS Director shall have the final authority for the implementation of the Plan. The DTS Director shall delegate duties to achieve the policy goals as necessary.

Description and Responsibilities:

1. Final authority and responsibility for compliance with the Plan; and
2. Delegate to the DTS' Title VI Coordinator the responsibility for coordinating the administration of the program.

The Title VI Coordinator administers the Plan and coordinates the implementation of the Plan.

Description and Responsibilities:

1. Ensure compliance with the assurances, policy and program areas;
2. Perform Plan reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the DTS Director;
3. Self-assessment of the program and, where applicable, revise policies, procedures and directives to include Title VI requirements;
4. Conduct monitoring to ensure that programs, policies and other activities do not have the disproportionate adverse effects on minority and low income populations;
5. Take corrective actions to resolve identified Title VI issues if irregularities occur in the administration of Federal-aid highway programs; and
6. Apply affirmative action to correct any deficiencies with a reasonable time period.

H. Special Emphasis Program Areas

Special Emphasis Program Areas are defined as follows:

Federal Definition: Special Emphasis Program Areas are those designated as such by the United States Department of Transportation (USDOT).

City and County of Honolulu Definition: Special Emphasis Program Areas are those areas that have been identified by DTS as having potential discriminatory trends or patterns, or any program so designated by the DTS Director.

Description and Responsibilities:

1. Review identified areas of emphasis and define the practices or procedures related to the area;
2. Create a plan of action with clearly identifiable and achievable goals;
3. Ensure that the identified goals are in line with the ongoing Title VI mission priorities;
4. Prioritize the identified policies, practices or procedures (high, medium, low) in light of impact on opportunity; and
5. Ensure that any action items or Special Emphasis Program Area efforts are linked to DTS' Title VI Program Plan.

USDOT Designated Special Emphasis Program Areas

USDOT has not designated a Special Emphasis Program Areas for this fiscal year.

DTS Designated Special Emphasis Areas

DTS has not designated a Special Emphasis Program Areas for this fiscal year.

I. Dissemination of Title VI Information

Title VI information will be available on the DTS' website and copies of the policy statement have been posted in the department. Information will also be available to employees, contractors, and the public upon request.

VIII. FORMAT FOR ANNUAL ACCOMPLISHMENTS REPORT

The Title VI Annual Report will contain but not limited to the following information:

POLICY STATEMENT

Any updates, or changes will be reported.

ORGANIZATION, STAFFING, STRUCTURES

Any updates, or changes will be reported.

MONITORING

A summary of monitoring activities including any compliance reviews.

COMPLAINTS

A summary of all complaints will be filed, including the basis, status, and actions proposed and/or taken, and the current disposition.

PROGRAM AREAS

A. Planning

1. Were Title VI and EJ reviews included in and part of the planning process?
2. How many and what type of long-range and short-range plans were conducted during the reporting period?
3. Were there any Environmental Assessments and Environmental Impact Statements conducted, and if so, were any Title VI and EJ issues addressed or mitigated?

B. Project Identification

1. How were Title VI and EJ considerations and/or decisions made through stakeholder involvement?
2. Were there any Title VI or EJ issues? Describe how minorities and low-income populations were provided opportunities to participate in project selection processes, i.e. public hearings or community outreach meetings.

C. Design

1. Were there any Title VI or EJ issues that needed to be addressed or mitigated?
2. Describe how minority and low-income populations were provided opportunities to be involved in the design phase process, i.e. opportunity to comment and participate in public hearings or community outreach meetings.
3. Provide demographic data from community meetings and public hearings.
4. Provide data, if applicable, by race, gender, national origin and sex of participants and beneficiaries of the programs and projects.

D. Right-of-Way

1. Were there any civil rights complaints filed and/or issues raised in the following Right-of-Way functional areas? If so, how many?
 - i. Appraisals
 - ii. Negotiations
 - iii. Relocation Assistance and Payments
 - iv. Property Management
2. How many negotiations were made during the reporting period? Does the negotiator's log reflect any disparity in the conduct of negotiations between minorities and non-minorities?
3. Were there any concerns raised by minorities or females in the negotiation phase? If yes, please explain.
4. Number of relocations during the reporting period:
 - i. Minority:
 - ii. Female:
 - iii. Elderly:
 - iv. Disabled:

E. Construction

Were there any civil rights complaints during the competitive bidding? What corrective action, if any was needed, has the City taken?

F. Education and Training

Describe the number and type of education and training for internal staff conducted during the reporting period.

IX. FHWA TITLE VI DISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all FHWA assisted programs or activities administered by the DTS. Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, disability, age or sex, protected categories under Title VI of the Civil Rights Act of 1964, and other related statutes, may file a written complaint with the Title VI Coordinator, the City's Equal Opportunity Office (EOO), Hawaii Department of Transportation Office of Civil Rights (HDOT OCR) and/or the FHWA Office of Civil Rights (OCR).

The final determination of all FHWA Title VI complaints filed with the DTS will be made by the DTS.

Submission of Complaints

1. Filed complaints of discrimination must be made no later than 180 days after the date of the alleged act of discrimination or the date on which the conduct was discontinued:
 - a. Complainants may submit written complaints to the Title VI Coordinator, the City's EOO, HDOT OCR and/or FHWA OCR; and
 - b. In cases where the complainant is unable or incapable of providing a written statement, but wants the DTS to investigate alleged discrimination, a verbal complaint of discrimination may be made and the complainant will be provided assistance in filing the complaint.
2. Complaint Format
 - a. All complaints must be in writing and complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. A Title VI Complaint Form is available to assist persons in this process. Forms can be obtained from the Title VI Coordinator located at 650 South King Street, 3rd Floor, Honolulu Hawaii 96813. Complainants are not required to use this form. A letter is sufficient; and
 - b. The Title VI Coordinator will provide the complainant or his/her representative with a written acknowledgement that the complaint was received containing the

required information. A copy will also be forwarded to HDOT OCR and FHWA OCR.

3. Notification of Disposition

The Title VI Coordinator shall notify the complainant by registered letter of a determination to investigate or not to investigate the complaint:

- a. If the decision is to investigate, the notification shall state the jurisdiction, inform the parties that an investigation will take place, and request any additional information needed to assist the investigator in preparing for the investigation; and
- b. If the decision is to not investigate, the notification shall specifically state the reason for the decision.

4. Complaint Investigation

- a. DTS Investigation. The DTS will conduct an investigation appropriate to the level of complaint filed;
- b. Priority Complaints. All incoming complaints shall be examined to determine if the discrimination alleged would be irremediable if not dealt with promptly. If such a determination is made, the complaint shall be given priority status. The processing, investigation, and determination of such complaints shall be accelerated to advance significantly the normal completion date of the process; and
- c. Investigator's Preparation. Before beginning the investigation, the investigator shall send a letter of introduction, establishing the times and dates for the investigation and interviews.

5. Investigative Report

A written report will be prepared by the responsible investigator at the conclusion of the investigation and will be completed in no more than 180 days. The report will contain among other elements the following: narrative description of the incidents, summary of the investigation, including persons interviewed, relevant facts (findings) and recommendation for disposition. This report will be reviewed by the Title VI Coordinator and final determination on the course of action will be made by the Director of DTS. A copy will be forwarded to HDOT OCR and FHWA OCR.

6. Non-Retaliation

Retaliation against an individual who files a charge of discrimination, or participates in a discrimination proceeding is prohibited.

Complaints should be directed to:

Don Hamada, FHWA Title VI Coordinator
Department of Transportation Services
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
dhamada@honolulu.gov

808-768-8310
808-768-6987 (F)

Denise Tsukayama, Equal Opportunity Officer
Equal Opportunity Office
City and County of Honolulu
650 South King Street, 10th Floor
Honolulu, Hawaii 96813
dtsukayama@honolulu.gov

808-768-8505

Hawaii State Department of Transportation
Office of Civil Rights
200 Rodgers Boulevard
Honolulu, Hawaii 96819
Marlene.q.young@hawaii.gov

808-831-7924

Federal Highways Administration
U.S. Department of Transportation
Office of Civil Rights, Hawaii Division
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Adriana.windham@dot.gov

808-541-2328

Federal Highways Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
CivilRights.FHWA@dot.gov

202-366-0693

**Title VI Complaint Form
City & County of Honolulu**

Department of Transportation Services

This form is intended to assist individuals with the submittal of information concerning complaints under Title VI/related statutes, which prohibit individuals from being excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, disability, or age, under any program or activity receiving Federal assistance.

- Complainants are not required to use this form; a letter that includes the same information is sufficient.
- Employees may use the internal complaint process for complaints filed under Title VI/related statutes.
- Individuals with disabilities or limited English proficiency may request, if needed, assistance with completing this complaint form and during the complaint process. Upon request, complaints in alternate formats will also be accepted.
- Completed complaint forms/letters should be received by the Department of Transportation Services within 180 days of the date of alleged discrimination.

Name	Email address	
Mailing Address	Daytime Phone Number	Date

I believe that I experienced discrimination based on:

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
<input type="checkbox"/> Sex	<input type="checkbox"/> Disability	<input type="checkbox"/> Age

➤ **NAME of the person, program, service, or activity that you believe discriminated against you:**

➤ **WHEN did the alleged discrimination occur?**

➤ **WHERE did the alleged discrimination occur?**

➤ **EXPLAIN the events that have caused you to believe that you have experienced discrimination:**

You may use the reverse side of this form or attach additional sheet(s) to provide relevant information, if needed.

Complainant's Printed Name	Signature of Complainant/Representative	Date
-----------------------------------	--	-------------

- Submit the completed Title VI Complaint Form (or the same information in a letter or in an alternate format) to the Title VI Coordinator, Department of Transportation Services, 650 South King Street, 3rd Floor, Honolulu, HI 96813 ; OR
- Mail the completed Title VI Complaint Form/letter to the City's Equal Opportunity Office, c/o 650 South King St., 10th Floor, Honolulu, HI 96813, for referral to the respective department/agency for processing.

For Office Use	Title VI Complaint Form Received By:	Date of Receipt:
-----------------------	---	-------------------------

X. TECHNIQUES FOR INVOLVING ENVIRONMENTAL JUSTICE POPULATIONS IN PLANNING AND PROJECT DEVELOPMENT²¹

When transportation projects have the potential for creating adverse impact to minority and low-income populations, special efforts must be made to involve representatives from affected groups. Various techniques may be required to effectively notify such groups of informational meetings and public hearings. These techniques may include, but are not limited to, the following:

Encouraging People to Attend Meetings

1. Offering a variety of meetings and techniques for disseminating information and obtaining responses, including formal public hearings;
2. Publicizing such meetings in newspaper and on the City website and providing notices in languages other than English where appropriate;
3. Holding meetings in easily accessible locations, when possible (walking distance); and
4. Scheduling translators, if requested.

²¹ See generally, the National Cooperative Highway Research Program Project 8-36(11) report, *Technical Methods to Support Analysis of Environmental justice Issues* found at: <http://www.somervillestep.org/files/TechMethodsAnalysisEnvJustice0402.pdf>.

XI. COMPLIANCE WITH ENVIRONMENTAL JUSTICE

All of DTS' federally funded projects are programmed in the Transportation Improvement Program (TIP). The TIP is a programming document that lists Oahu transportation projects, some of which will be undertaken by the City and County of Honolulu and funded in part with federal money. All TIP projects are subject to OahuMPO planning process. OahuMPO coordinates transportation planning for the entire island of Oahu and uses a planning process between the participating agencies, including HDOT and the City. OahuMPO's planning process includes a technical review which includes Title VI/EJ analysis of all TIP projects to ensure that projects do not have the potential for creating an adverse impact on minority and low-income populations.

DTS will conduct the necessary EJ analysis for all non-federal aid projects that are not programmed in the TIP and may consider the following actions regarding EJ populations.²²

1. Determine if there is a protected population;
2. Determine if an adverse effect exists;
3. Determine if there is a disproportionate impact;
4. Identify the benefits and the burdens of the DTS action;
5. Identify the changes that might avoid, minimize, or mitigate any negative impact; and
6. Identify the overall effectiveness of public involvement.

Identify minority or low-income communities in the project area, using a variety of methods from secondary sources, such as:

1. Census Bureau data;
2. Neighborhood Boards;
3. Community leaders/organizations/local contacts; and
4. Public/social service agencies.

Consider the following resources for public involvement of minority and low-income communities to ensure outreach and education to these groups, such as:

1. Minority/other language newspapers;
2. Coordination with group representative;
3. Presentations/discussions at group functions; and
4. Flyers (including other-language flyers).

²² Presidential Executive Order 12898 requires agencies to identify and address disproportionately high and adverse effects of federal programs, policies and activities on minority and low-income populations.

Identify potential adverse impacts to minority and low-income communities resulting from the project. Assess cumulative impacts resulting from other activities in conjunction with DTS projects. Potential adverse impacts on minority and low-income communities generally include:

Economic Impacts

1. Economic vitality;
2. Employment;
3. Transportation; and
4. Development.

Social Impacts

1. Aesthetic values;
2. Community cohesion; isolation, exclusion or separation of minority or low-income individuals from the broader community;
3. Availability of public and private facilities and services (including community services, schools, recreation areas, churches, police and fire protection); and
4. Changes in travel patterns and accessibility.

Environmental Impacts

1. Air, noise, and water pollution;
2. Vibration;
3. Soil contamination, hazardous materials; and
4. Traffic congestion.

Determine whether the project would have a disproportionately high and adverse effect on minority or low-income populations. Specify risks of these impacts.

Identify and evaluate ways to avoid or reduce disproportionate impacts to minority or low-income communities. Specify mitigation and enhancement measures to be taken to avoid or offset potential impacts. These could include:

1. Select a different alternative/option (unless high adverse impacts are more severe or increased costs are extraordinary);
2. Develop and evaluate new alternatives/options;
3. Demonstrate that the project, as developed, is based on the public interest;
4. Evaluate comparative costs and impacts of other alternatives/options; and
5. Replace impacted resources.

XII. LANGUAGE ACCESS PLAN

INTRODUCTION

The Department of Transportation Services (DTS) plans, operates, and maintains the multi-modal municipal transportation system of the City and County of Honolulu (City) and is a recipient of Federal assistance. This Language Access Plan addresses Federal¹ State, and City language access requirements.

Federal Highway Administration Funding

DTS receives Federal funding issued by the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA) for the construction, reconstruction, and improvement of roads, bridges, pedestrian and bicycle facilities. FHWA issues funds directly to the State Department of Transportation (HDOT), which is the designated State Transportation Agency for Hawaii. HDOT passes through FHWA funding to primary recipients that include the City and other county jurisdictions that comprise the State. The City has designated DTS as the appropriate entity to receive and use such funding for certain transportation-related projects.

Federal Transit Administration Funding

In addition, DTS receives grant funding directly from the USDOT/Federal Transit Administration (FTA). These funds support public transit operations that include fixed-route and para-transit services provided by TheBus and TheHandi-Van, respectively, on the island of O'ahu. Public transit services are provided by O'ahu Transit Services, Inc., (OTS), a private, not-for-profit management organization under contract with DTS.

The FTA requires that recipients develop a separate Title VI Program that addresses Title VI and Language Access requirements in accordance with FTA regulations. Accordingly, DTS' "Limited English Proficient Plan" is applicable to the City's public transit operations provided through OTS. This Plan is included as "Attachment 2" of DTS' overall FTA "Public Transit Title VI Program", and may be accessed at the following link: http://www.thebus.org/AboutTheBus/TitleVI_TVIPProgram_2016.pdf/.

AUTHORITIES

DTS is an Equal Opportunity Provider and Employer, and is committed to compliance with applicable Title VI, Language Access, and related non-discrimination mandates. Applicable authorities are provided on Attachment 1.

DEFINITIONS

Definitions of terms are provided in the footnotes to this Language Access Plan.

¹ Language access requirements associated with funding issued by the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA)

LANGUAGE ACCESS POLICY

DTS is committed to compliance with:

- Title VI/language access requirements and other legal and administrative authorities that are associated with the receipt of Federal funding; and
- A policy of taking reasonable steps to provide LEP individuals meaningful access to DTS' programs and services, at no cost to LEP individuals. This policy applies to all departmental components, whether or not they receive FHWA funding, and all entities to which DTS may pass FHWA funding.

LANGUAGE ACCESS PLAN

The purpose of this Language Access Plan is to facilitate compliance with Title VI/Language Access requirements by establishing guidelines for providing LEP individuals meaningful access to DTS' programs and activities and implementing DTS' Language Access policy. This Plan is applicable to all components of DTS, whether or not they receive Federal funding, except where specific FHWA and/or FTA requirements are controlling.

MAJOR PROGRAMS AND POINTS OF PUBLIC CONTACT

DTS' organization is comprised of its Administration and four divisions: Public Transit, Traffic Engineering, Traffic Signals and Technology, and Transportation Planning.

Administration

DTS' Administration plans, directs, and coordinates DTS' overall departmental programs and activities; and provides administrative support to all divisions.

DTS' reception/administrative staff may be the first point of contact for members of the public who are seeking general information about transportation-related matters. Public contact may occur in person, or via email and telephone. Staff may refer individuals to the appropriate division within DTS or an external entity, as applicable, to obtain the requested information.

Public Transit Division

The Public Transit (PT) Division plans, manages, and maintains the City's public transit systems, facilities and equipment. The public transit system is operated by OTS, and includes TheBus², which operates the City's bus service; and TheHandi-Van³, which is a public transit service for persons with disabilities who are unable to use the City's bus service. The PT Division procures all vehicles and equipment used to operate and

²TheBus operates bus routes that serve most major regions on Oahu.

³TheHandi-Van is a demand-response operation service for the entire Island of Oahu for riders who meet the complementary paratransit service eligibility requirements of the Americans with Disabilities Act (ADA).

support TheBus and TheHandi-Van services; and oversees the construction of new bus facilities and the maintenance and improvement of existing facilities.

The PT Division responds to telephone, email, and in-person requests for information from the public concerning the City's fixed route and para-transit related services; responds to recommendations, complaints, and questions received from the community and public officials; and interacts with members of the public during public hearings concerning public transit issues.

Traffic Engineering Division

The Traffic Engineering (TE) Division conducts studies and analyses to promote the safe, efficient, and effective use and operation of the City's streets, roadways, and related facilities; coordinates and implements engineering programs and projects to improve traffic flow and safety; prepares and processes legal schedules in accordance with the traffic code; administers the City's bikeway, pedestrian and traffic safety education programs; and administers the school traffic safety committee. The TE Division works closely with other City departments that have primary responsibility for maintaining the City's roadways and constructing new roadways and sidewalks.

The TE Division receives and responds to telephone, email, and in-person requests for information concerning vehicular, pedestrian, and bicycle safety; and communicates, via similar methods, with community organizations in conjunction with traffic and pedestrian safety presentations and public outreach events that are conducted to improve traffic flow and safety in communities.

Traffic Signals and Technology Division

The Traffic Signals and Technology (TST) Division manages, operates, develops, and implements Honolulu's traffic signal systems, Traffic Management Center, traffic camera system, traveler information program, the Intelligent Transportation System⁴, and the management of street use permits and related traffic management issues. The Street Usage Section within the division reviews, issues, and monitors traffic control permits for parades, special events, construction, and other activities; and coordinates and uses Traffic Management Center functions and various methods to reroute or advise the public about construction, special events, or parade travel areas.

The TST Division's primary contact with the public occurs in person at TST's customer service desk, where individuals seeking street use permits obtain, complete, and submit traffic permit applications.

⁴The USDOT defines Intelligent Transportation Systems (ITS) as: " ... the integration of advanced communications technologies -- that include a broad range of wireless and wire line communications-based information and electronics technologies -- into the transportation infrastructure and in vehicles ..." to improve transportation safety and mobility" and enhance productivity.

Transportation Planning Division

The Transportation Planning (TP) Division performs City-wide transportation planning required by the overall Federal transportation funding program; coordinates programming activities involving the City's transportation projects that are required to meet Federal highway and transit fund eligibility standards; administers the implementation of, and ensures compliance with USDOT regulations applicable to the Disadvantaged Business Enterprise Program and Equal Employment Opportunity Program; reviews environmental impact assessment documents; conducts traffic surveys; prepares and submits Federal transit assistance applications and analyses; and compiles transportation data required for transportation planning and programming.

The transportation planning and programming work for which the TPD is responsible does not involve contact with the public.

RESPONSIBILITIES

Department Head

The Director of DTS (Director) is responsible for:

1. Directing DTS' compliance with applicable Federal, State, and City laws, rules, and directives regarding non-discrimination in employment, access to facilities, and provision of services;
2. Directing the development, implementation, monitoring, and updating of a Language Access Plan that identifies departmental actions that will be taken to ensure that LEP individuals have meaningful access to departmental programs, services, and activities; and
3. Providing and directing staff and available resources to ensure compliance with language access requirements.

Departmental Language Access Coordinator

DTS' Title VI Coordinator is the Language Access Coordinator for DTS, and is responsible for:

1. Overseeing and monitoring the implementation of DTS' Language Access Plan; and reporting progress and concerns to the Director;
2. Updating the Language Access Plan as necessary;
3. Identifying departmental language access training needs, and providing and/or coordinating training for DTS' managers, supervisors, and staff;

4. Overseeing the timely investigation and resolution of language access complaints concerning DTS' programs or activities;
5. Reviewing and compiling language access complaints that allege denial of meaningful language access to DTS' programs or activities, and making recommendations to remedy deficiencies that may be identified;
6. Coordinating the compilation of data and maintenance of records pertaining to LEP encounters; and
7. Participating in Title VI/language access training, and disseminating language resource information to appropriate staff.

Managers and Supervisors

Managers and supervisors are responsible for:

1. Identifying operational situations in which language assistance services in respective areas of responsibility may be required for existing and prospective customers;
2. Implementing program-specific language assistance procedures and services that provide LEP individuals with free, meaningful access to programs or services;
3. Developing and implementing program-specific language access data collection tools and reporting procedures that document and track information concerning LEP encounters in respective responsibility areas, such as the types of language assistance services provided, target languages spoken by individuals requiring language assistance services, language service providers used, and the number and nature of complaints;
4. Ensuring that staff is aware of, and understands DTS' obligations to comply with applicable language access requirements, and that staff in public contact positions are properly trained to interact with, and provide appropriate language assistance services to LEP individuals encountered in respective program areas;
5. Evaluating and monitoring the effectiveness of language assistance procedures and services provided to LEP individuals, and recommending changes, as applicable, to improve services in respective areas of responsibility;
6. Providing assistance by conducting and/or directing the timely investigation and resolution of Title VI/language access discrimination complaints in respective program areas, and reporting such complaints to DTS' Title VI Coordinator;

7. As applicable, reporting data concerning LEP encounters and language assistance services provided to LEP individuals in respective program areas to DTS' Language Access Coordinator; and
8. Recommending funding and resources that may be needed for language access compliance in respective areas of responsibility; and communicating to appropriate officials, as needed, barriers that may be hindering effective language access services from being provided.

Employees

Employees are responsible for:

1. Supporting language access compliance activities;
2. Following established procedures when identifying the language access needs of LEP individuals and providing language assistance services;
3. Complying with applicable procedures and providing language assistance services to LEP individuals; and
4. Participating in language access training.

ASSESSMENT OF LEP POPULATION LANGUAGE NEEDS

The process of determining the reasonable steps that DTS will take to ensure meaningful access to the programs and services provided to LEP individuals includes an assessment of the LEP population served and balancing four factors⁵ that include:

1. The number and proportion of the LEP population served and the prevalence of particular languages spoken in the eligible service population (Honolulu County);
2. The frequency of LEP individuals' contact with applicable programs;
3. The nature and importance of programs, activities and services, and
4. The availability of resources, and the costs of providing interpretation/translation⁶ services.

⁵The Four Factor Analysis is a language access compliance standard issued by the U.S. Department of Justice and other Federal funding agencies. The analysis includes an assessment of the LEP population language needs in the relevant service area by conducting customized evaluations of the particular programs and services that recipient organizations provide to the public, and determining how the public and LEP persons access the programs and services.

⁶The Department of Justice Language Access Plan dated March 2012 Translation is the replacement of written text from one language into an equivalent written text in another language

Number and Proportion of the LEP Population and Languages Spoken in the Service Area

Until such time that DTS collects adequate and specific data that identifies the languages encountered and the number of LEP individuals who seek to access applicable programs or services, individuals residing in Honolulu County will be considered the population served.

The U.S. Census Bureau, 2009-2013 American FactFinder 5-Year Estimates for “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over”⁷ indicate that:

Of the estimated 901,756 individuals residing in Honolulu County, the majority -- about 651,239 individuals, representing an estimated 72% -- report that they *speak only English*.

About 130,365 individuals – representing about 14% of the total estimated number of individuals in Honolulu County who report that they *speak English less than “very well”* across all non-English languages spoken -- are considered LEP individuals⁸.

The six most prevalent non-English languages spoken in Honolulu County are identified in the following chart:

Language	Estimated Number of Individuals	Percentage of Individuals Who Speak This Language
Total Population	901,756	--
Individuals reporting that they <i>speak only English</i>	651,239	72% English only ⁹
Individuals reporting that they <i>speak English less than “very well”</i>	130,365 LEP	14% LEP ¹⁰

⁷Based on demographic data published by the U.S. Census Bureau, 2013 Table B16001, “Language Spoken At Home By Ability To Speak English for the Population 5 Years and Over”, 2009-2013 American Community Survey 5-Year Estimates; Universe: Population 5 years and over.

⁸The total estimated number of individuals in Honolulu County who report that they *speak English less than “very well”* across all non-English languages spoken are considered LEP individuals; this number was calculated by adding the estimated number of individuals within each language grouping who reported that they *speak English less than “very well”*.

⁹The estimated percentage of individuals in Honolulu County who reported that they *speak only English* (72%) was calculated by dividing the total estimated number of individuals in Honolulu County who reported that they *speak only English* (651,239) by the total estimated population in Honolulu County (901,756).

¹⁰The estimated percentage of individuals in Honolulu County who are considered LEP (14%) was calculated by dividing the total number of individuals in Honolulu County who reported that they *speak English less than “very well”* across all non-English languages spoken (130,198), by the total estimated population in Honolulu County (901,756).

Language	Estimated Number of Individuals	Percentage of Individuals Who Speak This Language
<i>well</i> " across all non-English languages spoken		
Other Pacific Island languages	41,244	32% of LEP ¹¹
Tagalog	23,282	18% of LEP
Chinese	19,142	14.7% of LEP
Japanese	18,937	14.5% of LEP
Korean	10,877	8% of LEP
Vietnamese	6,359	5% of LEP

Frequency of LEP Encounters with Applicable DTS Divisions

During the two years prior to the development of this Language Access Plan, none of DTS' divisions reported encounters with LEP individuals who needed language assistance to access DTS' programs or services.

DTS' Administration, Public Transit, Traffic Engineering, and Traffic Signals and Technology Divisions will implement plans to document the dates, languages associated with LEP encounters, and the types of language assistance needed and provided to access DTS' programs or services.

Importance of Programs and Services Provided to the Public

DTS considers the programs and services involving the City's multi-modal transportation system to be of significant importance to the public. In some situations, denial or delay of access to public transportation services or information may have serious implications for the public. Individuals who depend on public transit for their day-to-day transportation needs may experience an adverse impact on their ability to obtain health care, education, or access to employment¹².

DTS Division	Importance of Programs/Services Provided to the Public
Administration	DTS' reception/administrative staff may serve as the first point of contact with DTS for the public. In some situations, members of the public may be seeking

¹¹The top six non-English languages spoken by LEP individuals in Honolulu County were determined by: (1) Dividing the estimated number of individuals in each non-English language group who reported that they *speaks English less than "very well"*, by the total estimated number of individuals in Honolulu County who reported that they *speaks English less than "very well"* across all non-English language groups (130,365) to obtain percentages of LEP individuals represented in respective non-English language groups in Honolulu County; and (2) Identifying the six highest percentages of LEP individuals in non-English language groups.

¹²USDOT LEP Guidance, Section V (4); Federal Register/Vol. 70, No. 239

DTS Division	Importance of Programs/Services Provided to the Public
	<p>transportation-related information that impacts their day-to-day or immediate needs. Individuals who may be denied or delayed access/referral to information from the DTS' Administration or another division could potentially impact their efforts to resolve immediate/essential transportation needs.</p>
Public Transit	<p>The Public Transit Division plans, manages, and maintains the City's public transit systems operated by OTS, including TheBus, which operates the City's bus service; and TheHandi-Van, which is a public transit service for persons with disabilities who are unable to use the City's bus service. This division responds to recommendations, complaints, and questions from the public concerning public transit issues.</p> <p>Individuals who may be denied or delayed access to information concerning (1) Fixed route and para-transit services or (2) Public outreach events concerning proposed changes to existing services:</p> <p>(1) May not receive the information needed to resolve immediate transportation needs involving TheBus or TheHandi-Van; or</p> <p>(2) May not understand the content of public announcements that invite comments concerning local transit issues at public outreach events, and miss the opportunity to express their concerns and participate in the planning and evaluation of proposed changes to public transit services.</p>
Traffic Engineering	<p>The Traffic Engineering Division is primarily responsible for coordinating and implementing engineering programs and projects to improve traffic flow and safety; and</p> <p>Individuals who may be denied or delayed access to information concerning (1) The implementation of changes in traffic flow or (2) Public outreach events concerning prospective traffic flow/safety projects:</p> <p>(1) May not receive the information needed to make appropriate adjustments to their transportation arrangements that may be required as the result of traffic flow/safety projects; or</p> <p>(2) May not understand the content of public announcements that invite comments concerning traffic flow/safety projects at public outreach events, and miss the opportunity to express their concerns and participate in the planning and evaluation of such projects.</p>
Traffic Signals and Technology	<p>The Traffic Signals and Technology Division' primary contact with the public occurs in person at a customer service desk,</p>

DTS Division	Importance of Programs/Services Provided to the Public
	<p>where individuals seeking street use permits obtain, complete, and submit traffic permit applications.</p> <p>Individuals who may be denied or delayed access to information concerning City street permits may experience a delay in the processing of their applications.</p>
Transportation Planning	The transportation planning and project programming work for which the Transportation Planning Division is responsible does not involve public contact.

Available Resources

DTS will provide, as appropriate, commercially available telephonic or in-person oral interpretation¹³ services to LEP individuals who request assistance in accessing programs, services, or information for which the Administration, Public Transit, Traffic Engineering, and Traffic Signals and Technology Divisions are responsible for providing.

As more specific information concerning the LEP population is collected and the frequency and nature of staff contact with LEP individuals is evaluated, DTS will determine whether adjustments in programs and services and/or additional language assistance services are needed.

Because none of DTS' divisions reported encounters with LEP individuals who needed language assistance to access DTS' programs or services during the two years prior to the development of this Language Access Plan, the projected costs required, if any, to provide interpretation and translation services are not expected to be unreasonable, as of the effective date of this Language Access Plan.

LANGUAGE ASSISTANCE SERVICES

Based on DTS' interaction with the public, the Four Factor Analysis, and applicable Federal, State, and City requirements, DTS will implement the following language assistance procedures and guidelines, which are intended to assist staff in public contact positions with providing language assistance services to LEP individuals.

Self-Identification as an LEP Individual

A person may self-identify as an LEP individual by:

1. Requesting interpretation services;

¹³Federal Register Vol. 70, No. 239, USDOT "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons", defines "Interpretation" as "...the act of listening to something in one language (source language) and orally translating it into another language (target language)."

2. Identifying his/her primary language¹⁴ by pointing to one of the languages displayed on the language list poster; or
3. Using another means of communication, such as having an English-speaking family member, relative, or friend request interpreting services on the LEP individual's behalf.¹⁵
4. If a person does not self-identify or request language assistance services, staff may independently determine that an interpreter is needed.

Providing Language Assistance Resources

DTS has provided staff in public contact positions who may encounter LEP individuals with lists of potential vendors that provide oral in-person and telephonic interpretation and document translation services. When it is determined that language assistance services are needed, staff will refer to the lists of potential commercial communication resources; and contact and procure language assistance services from a vendor that provides interpretation services that are appropriate for the LEP individual's needs and the nature of services and information required. Telephonic interpreting services will be able to assist staff in first identifying the primary language of a caller or walk-in individual who is LEP before interpretation services in the LEP individual's primary language is provided.

When an LEP individual self-identifies as needing language assistance, staff will access a telephonic interpretation service to inform the customer, in his/her primary language, that language assistance services will be provided, then proceed to provide additional language services that may be needed to ensure effective communication with the LEP individual.

Public Hearings/Presentations, and Outreach Events

Respective divisions are responsible for planning and conducting public hearings and outreach events that may be required in conjunction with the delivery of programs/services within their areas of responsibility. Planning for public hearings/presentations, and outreach events should address, but are not limited to, the following language/communication access issues in advance of the event:

1. Announcements that are disseminated to publicize public proceedings/events should include a statement that invites LEP individuals to request language assistance in advance of the event in order to provide a reasonable amount of time needed to arrange for the accommodation.

¹⁴ An individual's primary language is the language in which he/she most effectively communicates.

¹⁵ Interpretation services should be provided by commercial interpretation service providers, rather than family members, relatives, or friends of LEP individuals.

2. Reasonable efforts will be made to provide an interpreter at public hearings when an individual has made a timely request for interpretation services. Alternate arrangements will be sought if interpretation services are not available. Similar efforts will be made for persons with disabilities.

Identification and Translation of Vital Documents

A vital document is a document that contains information that is critical for obtaining Federal services and/or benefits, or is required by law¹⁶. In conjunction with DTS' ongoing collection of information concerning the non-English languages of LEP groups that are regularly encountered by applicable programs/services, respective divisions will identify and prioritize vital documents for which translation may be applicable by:

1. Assessing the data collected to assist in determining when a significant number or percentage of the eligible service population needs a document or information in a language other than English to access benefits/services; and
2. Evaluating the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner to determine whether a document is "vital".

Written material considered for translation will be simplified prior to making arrangements for translation. The translation of vital information contained in larger documents, rather than the translation of the document in its entirety, may be considered. Oral translation of written material in the primary language of the LEP individual may also be appropriate and will be considered.

Providing Notice of Free Language Assistance Services to LEP Individuals

DTS will provide notice of free language assistance services to LEP individuals by:

1. Displaying, in public reception areas, a poster that assists LEP persons in accessing language services at initial points of contact¹⁷. The content of the poster is written in 24 non-English languages encountered in the State, and invites LEP individuals to identify their need for language assistance by pointing to their primary language on the poster to access free interpretation services. This language identification tool assists staff in public contact positions in determining the primary language of LEP individuals. If it is determined that language assistance services are needed, staff will arrange communication through a commercially available telephonic interpretation resource.

¹⁶ 65 FR 50123, Policy Guidance Document entitled "Enforcement of Title VI of the Civil Rights Act of 1964 - "National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance)" issued by the U.S. Department of Justice, Civil Rights Division, Coordination and Review Section

¹⁷ The "point here" poster was developed by the State Office of Language Access

2. Posting on its website, and including in notices, publicity material, and other types of communication relevant to public hearings, meetings, and events, information that advises the public that: (1) Language access may be requested in advance of the event; and (2) Language access, when provided, is free of charge to the LEP individual.

LANGUAGE ACCESS COMPLIANCE ACTIVITIES

Compliance activities associated with the initial implementation of this Plan include:

1. Ensuring that all staff is aware of, and understands DTS' Language Access Policy and Plan by:
 - a. Providing relevant training to, and notifying all DTS employees, managers, and supervisors of their respective responsibilities for ensuring that reasonable steps are taken to provide LEP individuals meaningful access to DTS' programs and services, at no cost to LEP individuals;
 - b. Disseminating and discussing the Plan with all departmental managers and supervisors concerning their responsibility for overseeing and monitoring the delivery of programs, services, and activities and implementing Title VI/Language Access complaint handling procedures;
 - c. Providing training to new employees;
2. Developing and implementing procedures to identify and serve LEP individuals;
3. Developing and implementing tools and procedures to collect and report language assistance services provided to LEP individuals;
4. Providing staff in public contact positions who may encounter LEP individuals with resource lists of prospective vendors that provide oral interpretation and translation services;
5. Periodically reviewing and updating the Plan, as appropriate;
6. Implementing procedures to address potential language/communication access issues in advance of public hearings/presentations, and outreach events;
7. Providing notice of free language assistance to LEP individuals; and
8. Making the Language Access Policy and Plan available for review by contractors and the public, including posting the Policy and Plan on DTS' website

COMPLAINT HANDLING

DTS' Administration and respective divisions are responsible for promptly acknowledging the receipt of, responding to, investigating as applicable, and resolving

Title VI/Language Access complaints concerning the programs, services and activities for which they are immediately responsible.

1. Complaint Information

- a. Complaints should, to the extent possible, include the Complainant's name, Complainant's name, mailing address, or alternate methods of contact (i.e., telephone number, email address).
- b. The areas/s of Title VI on which the alleged discrimination is based. (In addition to national origin, which includes language access, other areas that are protected under Title VI include race, color, sex, disability, and age).
- c. The name/s of the person/s, program, project, activity, etc. that the Complainant believes discriminated against him/her; when and where the alleged discrimination occurred; and a description that specifies how the Complainant believes s/he was excluded from participation in, denied the benefits of, or otherwise experienced discrimination under the program, project, or activity identified.
- d. An explanation of the events that caused the Complainant to believe that s/he experienced discrimination.
- e. Resolution that the Complainant is seeking.
- f. Any other relevant information or documents pertaining to the complaint.
- g. Individuals may, but are not required to use DTS' *Title VI Complaint Form*¹⁸ to submit complaint information; a letter that includes the same information is sufficient. The *Title VI Complaint Form* is attached to this Plan, and may also be obtained from DTS' Title VI Coordinator at 650 South King Street, 3rd Floor; Honolulu, Hawaii 96813. An electronic version of this form is also provided via DTS' website at: <http://www.honolulu.gov/dts/default.html>.
- h. Complaint handling procedures relating to public transit services are addressed in "Attachment 2" of DTS' FTA "Public Transit Title VI Program", and may be accessed at the following link: http://www.thebus.org/AboutTheBus/TitleVI_TVIPProgram_2016.pdf.
- i. Employees should be directed to DTS' internal complaint process when filing complaints under Title VI/related mandates.

¹⁸Refer to Attachment 2

2. Complaint Submittal

- a. Complaints may be submitted to the DTS' Title VI Coordinator and/or to the City's Equal Opportunity Office (EO Office) at the below address. Complaints received by the EO Office will be referred to DTS for appropriate processing.
- b. Complaints associated with FHWA funding may also be submitted to HDOT/Office of Civil Rights; FHWA/Office of Civil Rights, Hawaii Division; or the USDOT/FHWA, Office of Civil Rights at the following addresses:

City and County of Honolulu

DTS Title VI Coordinator (808) 768-8310
Department of Transportation Services (808) 768-6987(F)
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
dhamada@honolulu.gov

Equal Opportunity Officer (808) 768-8505
Equal Opportunity Office
City and County of Honolulu
925 Dillingham Blvd., Suite 180
Honolulu, Hawaii 96817
dtsukayama@honolulu.gov

State Transportation Agency

Hawaii State Department of Transportation (808) 831-7924
Office of Civil Rights
200 Rodgers Boulevard
Honolulu, Hawaii 96819
marlene.q.young@hawaii.gov

Federal Highways Administration

Electronic *Complainant/Consent Release and External Discrimination Complaint Forms* (Title VI/Nondiscrimination and ADA/Section 504 Complaints) are provided via the following links:

- www.fhwa.dot.gov/civilrights/documents/complainant_consent_notice_forms.doc/ and
- www.fhwa.dot.gov/civilrights/documents/external_discrimination_form.doc/

Federal Highways Administration
U.S. Department of Transportation
Office of Civil Rights, Hawaii Division
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Adriana.windham@dot.gov

(808) 541-2328

Federal Highways Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
CivilRights.FHWA@dot.gov

(202) 366-0693

3. Complaint Processing

- a. Completed complaint forms/letters should be received within **60** days of the date of the alleged discrimination; except for complaints involving FHWA-assisted programs/projects over which FHWA has jurisdiction, which should be received within **180** days of the date of the alleged discrimination. Complaints received after these complaint filing periods will be reviewed to determine whether further processing is appropriate.
- b. Individuals with LEP or disabilities may request, if needed, assistance with providing information requested on the City's *Title VI Complaint Form* and during the complaint resolution process.
- c. Respective divisions will review and respond promptly to the issue/s raised in Title VI/Language Access complaints. When appropriate, investigations will be conducted to evaluate relevant facts required to determine the appropriate disposition of the complaint.
- d. A complaint may be withdrawn at any time during the complaint process. Withdrawals must be provided in writing. Withdrawal of the complaint may not remove DTS' obligation to conduct a fact-finding investigation and take appropriate responsive action concerning the issue/s raised in the complaint.
- e. Retaliation against an individual -- who has opposed a practice prohibited by Federal or State nondiscrimination law; or who has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under these complaint procedures or procedures provided by Federal or State law -- is prohibited.

TRAINING

DTS' Title VI Coordinator will conduct and/or coordinate briefings and annual training for DTS' managers, supervisors, and staff to address Title VI and Language Access

requirements, complaint handling procedures, and related responsibilities in accordance with DTS' Language Access Plan. Specialized training will be provided, as needed, to staff who have or may potentially have contact with the public.

Respective DTS divisions have immediate responsibility for providing or making appropriate arrangements to coordinate Language Access training for existing and new employees with DTS' Title VI Coordinator.

Employees

All employees in public contact positions will receive initial training to ensure that they have a general awareness and understanding of Title VI and Language Access mandates and the content of DTS' Title VI and Language Access Plans, with an emphasis on procedures that are intended to facilitate language assistance services provided to LEP individuals.

Managers and Supervisors

All managers and supervisors assigned to divisions that interact with the public will receive initial training to ensure that they are aware of, and understand Title VI and Language Access mandates, the content of DTS' Title VI and Language Access Plans, and complaint handling and resolution procedures.

PLAN REVIEW AND UPDATE

DTS will periodically review and update the content of this Plan, to include internal data collected on encounters with LEP individuals and the Four-Factor Analysis. DTS will continue to evaluate policies and procedures to ensure compliance with Title VI/Language requirements, consider comments from staff and the public to determine if programmatic and/or budgetary changes are needed, and evaluate the effectiveness of training and public notices.

SUB-RECIPIENT MONITORING

Based on FTA funding that supports contracted public transit operations, DTS in accordance with 49 CFR 21.9(b), conducts reviews of OTS' compliance with applicable non-discrimination requirements to ensure non-discrimination in public transit services.

DTS does not pass FHWA funding to sub-recipients, and therefore does not have associated compliance monitoring responsibilities.

Title VI/Language Access Non-Discrimination Authorities

- Title VI of the Civil Rights Act of 1964, as amended (Title VI, 42 U.S.C. §2000d: Prohibits discrimination based on race, color, or national origin by any entity receiving Federal assistance¹⁹
- The Civil Rights Restoration Act of 1987, P.L. 100-209: Restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not
- 49 Code of Federal Regulations, Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964”
- 23 CFR 200, “Title VI Program and Related Statutes – Implementation and Review Procedures”: Provides guidelines for implementing the FHWA Title VI compliance program under Title VI and related civil rights laws and regulations, and conducting Title VI program compliance reviews relative to the Federal-aid highway program
- Circular FTA C4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”: Provides guidance to grantees on how to comply with Title VI regulations, and to ensure grantees provide meaningful language access to persons who are Limited English Proficient.
- Hawaii Revised Statutes §321C, “Hawaii’s Language Access Law”: Requires that State agencies and entities that receive State funding for the purpose of providing services on behalf of the State establish a language access plan, and take reasonable steps to ensure that Limited English Proficient (LEP)²⁰ individuals have meaningful access²¹ to services, programs, and activities
- The City’s Administrative Directive 420: Recognizes that the scope of Federally assisted recipients’ Title VI compliance responsibilities may be considered by Federal funding agencies to extend beyond the organization/ component of the organization that receives Federal funding, and establishes the expectation that all City departments/agencies comply with Title VI requirements

¹⁹Title VI of the Civil Rights Act of 1964, as amended (Title VI) and related implementing regulations prohibit discrimination based on race, color, or national origin by any entity receiving federal financial assistance. In certain situations, failure to ensure that Limited English Proficient individuals can effectively participate in, or benefit from federally assisted programs and services may violate the prohibition against national origin discrimination under Title VI and related regulations.

²⁰Limited English Proficient (LEP) individuals are persons who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

²¹Meaningful access is language assistance that results in accurate, timely, and effective communication, provided at no cost to LEP individuals.

**Title VI Complaint Form
City & County of Honolulu
Department of Transportation Services**

This form is intended to assist individuals with the submittal of information concerning complaints under Title VI/related statutes, which prohibit individuals from being excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, disability, or age, under any program or activity receiving Federal assistance.

- Complainants are not required to use this form; a letter that includes the same information is sufficient.
- Employees may use the internal complaint process for complaints filed under Title VI/related statutes.
- Individuals with disabilities or limited English proficiency may request, if needed, assistance with completing this complaint form and during the complaint process. Upon request, complaints in alternate formats will also be accepted.

Completed complaint forms/letters should be received by the Department of Transportation Services within 60 days of the date of alleged discrimination; and within 180 days of the date of alleged discrimination for complaints involving FHWA-assisted programs/projects.

Complainant's Printed Name	Email Address
Mailing Address	Daytime Phone No.

I believe that I experienced discrimination based on:

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
<input type="checkbox"/> Sex	<input type="checkbox"/> Disability	<input type="checkbox"/> Age

➤ **NAME of the person, program, service, or activity that you believe discriminated against you:**

➤ **WHEN did the alleged discrimination occur?**

➤ **WHERE did the alleged discrimination occur?**

➤ **EXPLAIN the events that have caused you to believe that you have experienced discrimination:**

You may use the reverse side of this form or attach additional sheet(s) to provide relevant information, if needed.

Complaint Form Submitted By	Signature of Complainant/Representative	Date
------------------------------------	--	-------------

- Submit the completed Title VI Complaint Form (or the same information in a letter or in an alternate format) to the Title VI Coordinator, Department of Transportation Services, 650 South King Street, 3rd Floor, Honolulu, HI 96813 ; OR
- Mail the completed Title VI Complaint Form/letter to the City's Equal Opportunity Office, 925 Dillingham Blvd., Suite 180; Honolulu, HI 96817, for referral to the Department of Transportation Services for processing.

For Official Use	Title VI Complaint Form Received By	Date of Receipt
-------------------------	--	------------------------

DTS TITLE VI
09/2016