



Title VI and Environmental Justice

Policies and Procedures

Accepted by the Policy Board

On

September 21, 2015

Oahu Metropolitan Planning Organization

Contents

I. Overview 3

II. Federal Requirements 4

III. Planning Priorities 5

IV. Performance Metrics..... 5

V. Agency Responsibilities 6

VI. Workflow 7

Oahu Regional Transportation Plan..... 7

Transportation Improvement Program 9

Overall Work Program..... 11

VII. Approval and Status Reporting 13

VIII. Project Close-out 13

I. Overview

Nondiscrimination, including Title VI¹ compliance, is a major consideration for public outreach conducted by the Oahu Metropolitan Planning Organization (OahuMPO). OahuMPO endeavors to encourage and support active public participation throughout the planning and decision-making process related to the development of its plans, programs, and projects yielding a safe and efficient transportation system reflecting the needs and interests of all stakeholders.

The OahuMPO endeavors to involve the people traditionally underserved in transportation issues. In addition to the outreach activities listed in Part 3, *Participation Plan Administrative Guidelines*. OahuMPO staff may use untraditional outreach strategies that are tailored to fit the affected community.

The OahuMPO staff develops two Title VI and Environmental Justice (EJ)² reports that outline the steps taken to involve the people traditionally underserved in transportation issues in all planning products. The planning products outlined in the annual Title VI and EJ Compliance report are those that were developed throughout the preceding year. The two reports include:

1. The Annual Title VI and EJ Compliance Report
2. The Triennial FTA Compliance Report

The Title VI report is submitted to the Hawaii Department of Transportation (HDOT), fulfilling the requirements as outlined in HDOT's *Title VI Program Plan* (dated February 10, 2015).

"The Hawaii Department of Transportation (HDOT) is a recipient of Federal financial assistance. All Federal financial assistance recipients are required to comply with non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 prohibits discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds.

Furthermore, non-discrimination law is found in other statutes, regulations, and Executive Orders, detailed in this Title VI

¹ Title VI, 42 United States Code (U.S.C.) § 2000d et seq., known also as the Civil Rights Act of 1964.

² In 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

Program Plan. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination based on sex. The Civil Rights Restoration Act of 1987 defined 'program' to make the distinction that discrimination is prohibited throughout an entire agency if any part of the agency receives any Federal financial assistance. All subrecipients are required to comply with Title VI and related nondiscrimination laws, and regulations.

HDOT's Title VI Program is committed to implementing environmental justice strategies. Environmental justice is the fair treatment and involvement of people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."³

II. Federal Requirements

Title VI states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups).

The Environmental Justice (EJ) Orders further amplify Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."⁴

In accordance with 23 CFR Part §450.334, OahuMPO staff conducts self-evaluations of its programs for compliance with T6/EJ. A summary of the findings of the self-certification that were conducted by OahuMPO during the reporting period follows.

Metropolitan Transportation Planning Process Certification

Self-Certification: In August 2014, HDOT and OahuMPO certified that the transportation planning process on Oahu is being carried out in accordance with all applicable requirements. Title VI is one of the requirements. A self-certification is federally required at least every four years.

³ Title VI Program, Title VI & Environmental Justice Program, [www.http://hidot.hawaii.gov/administration/ocr/title-vi-program/](http://hidot.hawaii.gov/administration/ocr/title-vi-program/)

⁴ USDOT Federal Highway Administration, Environmental Justice, Implementing Title VI Requirements in Metropolitan and Statewide Planning, October 7, 1999

OahuMPO TMA Certification Review: In September 2014, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) finalized the “TMA Certification Review of the Oahu Area Metropolitan Transportation Planning Process” for FFY 2014.⁵ This review and evaluation was conducted in accordance with 23 CFR 450.334. The FHWA and FTA jointly certified the Federal transportation planning process of the OahuMPO as carried out by OahuMPO staff and member agencies for the Island of Oahu. However, it is contingent upon the resolution of specific Corrective Actions within the timeframes outlined in the TMA Certification Review report.

Funding for the development of the annual Title VI and EJ Compliance report and the Triennial FTA Compliance report is charged to the appropriate work element. For example, the time taken to develop the ORTP portion of the report, is charged to the ORTP work element in accordance with the current, approved OWP.

See Appendix A: OWP Work Element from the FYs 2015-2016 OWP

III. Planning Priorities

The planning products within the annual Title VI and EJ Compliance report and the Triennial FTA Compliance report are prioritized by the year in which the Policy Board approved the product. They are presented in ascending order.

The criteria presented in the report come from HDOT's current, approved Title VI Program. The following is a list of contents from the report:

1. Policy Statement
2. Organizations, Staffing, Structures
3. Title VI Monitoring and Review Process
4. Complaints
5. Accomplishment Report for each Program area (Planning, Project Selection, and Administration).

IV. Performance Metrics

The early input and public outreach criteria on all planning products are recorded. The public involvement strategies are listed and the number of

⁵ <http://www.oahumpo.org/wp-content/uploads/2014/09/OMPO-2014-TMACertRpt-092614.pdf>

minorities and number of women that attend meetings and supplied comments are logged. The reports also incorporate comments and responses to comments tables for each planning product.

The results of Title VI and EJ analyses are described in detail. Screenshots of the OahuMPO Web site are taken to show that announcements and all planning products were posted in a timely manner to give stakeholders sufficient time to review and make comments.

The annual Title VI and EJ Compliance report is started near the end of the Federal Fiscal Year (FFY), September 30th. All planning products from the preceding year are assessed and all information is gathered. The report is then sent to HDOT for approval and FHWA, for review.

The triennial FTA Compliance report is developed every 3 years. As a subrecipient of FTA funds, the OahuMPO *Title VI and Environmental Justice Triennial Compliance Report* documents how OahuMPO complies with the United States Department of Transportation (USDOT) Title VI regulations based on the guidelines provided in FTA Circular 4702.1A (October 1, 2012).

V. Agency Responsibilities

HDOT is a direct recipient of Federal assistance and OahuMPO is a subrecipient of these funds. Thus, HDOT Title VI program requirements are followed. However, OahuMPO can develop and follow its own. The Title VI and EJ Compliance reports need HDOT's approval every year in order to receive funding. Thus, OahuMPO cooperates and coordinates with HDOT Division of Civil Rights in the development of these reports.

HDOT Title VI and EJ Program Activities Include

- Conducting internal and external compliance reviews
- Conducting Title VI/EJ Program Implementation training to HDOT managers, program officers, suppliers, vendors, contractors, local governments and other HDOT subrecipients of federal funds
- Developing Title VI/EJ compliance information for internal and external dissemination
- Processing the disposition of Title VI complaints received by HDOT
- Providing technical support to subrecipients developing Title VI/EJ Programs
- Approving subrecipients' Title VI Policy, Assurances, and Plans

FHWA and FTA oversee the Title VI program. The Compliance reports are sent to them for review. The Annual Title VI and EJ Compliance report is sent to the Office of Civil Rights for review and approval.

VI. Workflow

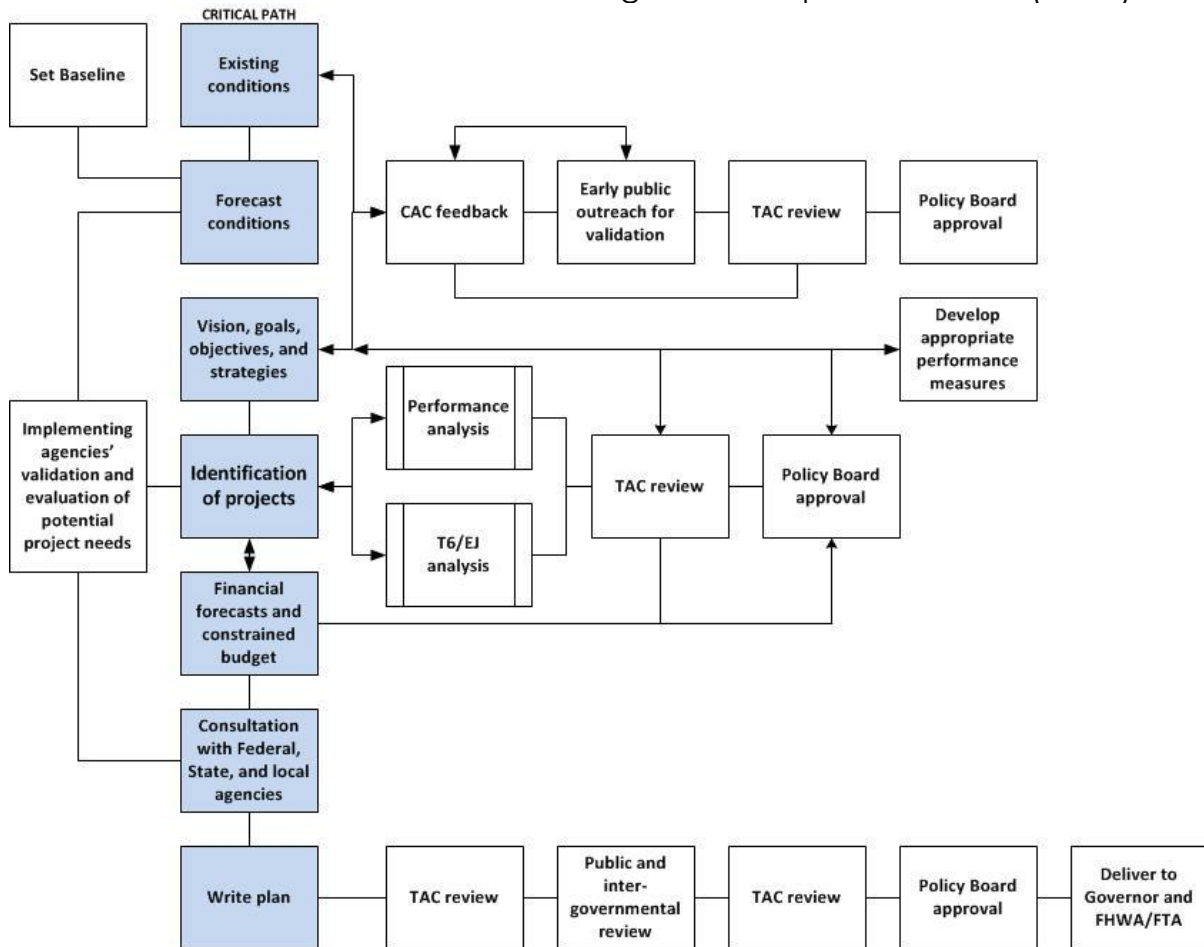
The following are the public involvement flowcharts of the main planning products:

Oahu Regional Transportation Plan

The following procedures, in conjunction with the public involvement administrative guidelines described in, are used to facilitate the timely development of the ORTP. Participation opportunities in the development of the ORTP are highlighted in Figure 1.

1. Early in the development of the scope-of-work for the development of the ORTP, the CAC will be offered the opportunity to prioritize the public involvement activities. These priorities will guide the ORTP public outreach program.
 - a. For example, in the past, the CAC has been asked where public outreach dollars should be focused: identification of public involvement strategies, identification of goals and objectives, identification of transportation problem areas, identification of potential transportation solutions, prioritization of proposed transportation solutions, or review of the draft plan.
 - b. This information will be considered in the development of the ORTP public outreach program.
2. An ORTP public outreach process will be developed that is consistent with the public involvement administrative guidelines described herein and federal metropolitan transportation planning requirements.
3. Regardless of whether the ORTP is completed primarily by a consultant or by OahuMPO staff, OahuMPO will have primary responsibility for the development and implementation of an ORTP public outreach process.
 - a. This process will provide early and continuous public involvement, notably at project milestones.

Figure 1
Public Involvement in the Oahu Regional Transportation Plan (ORTP)



- b. The public outreach process will identify potential public involvement strategies and survey instruments to solicit input from Title VI and EJ populations; groups which have been traditionally underserved by existing transportation (e.g., young, elderly, disabled, etc.); and the “silent majority” who do not attend public meetings.
- c. The public outreach process will identify all consultant tasks that would require public involvement and/or outreach and the public involvement strategy(ies) that would best meet the objectives of each task.
- d. The public outreach process will identify appropriate visualization techniques to describe the ORTP and its various components.

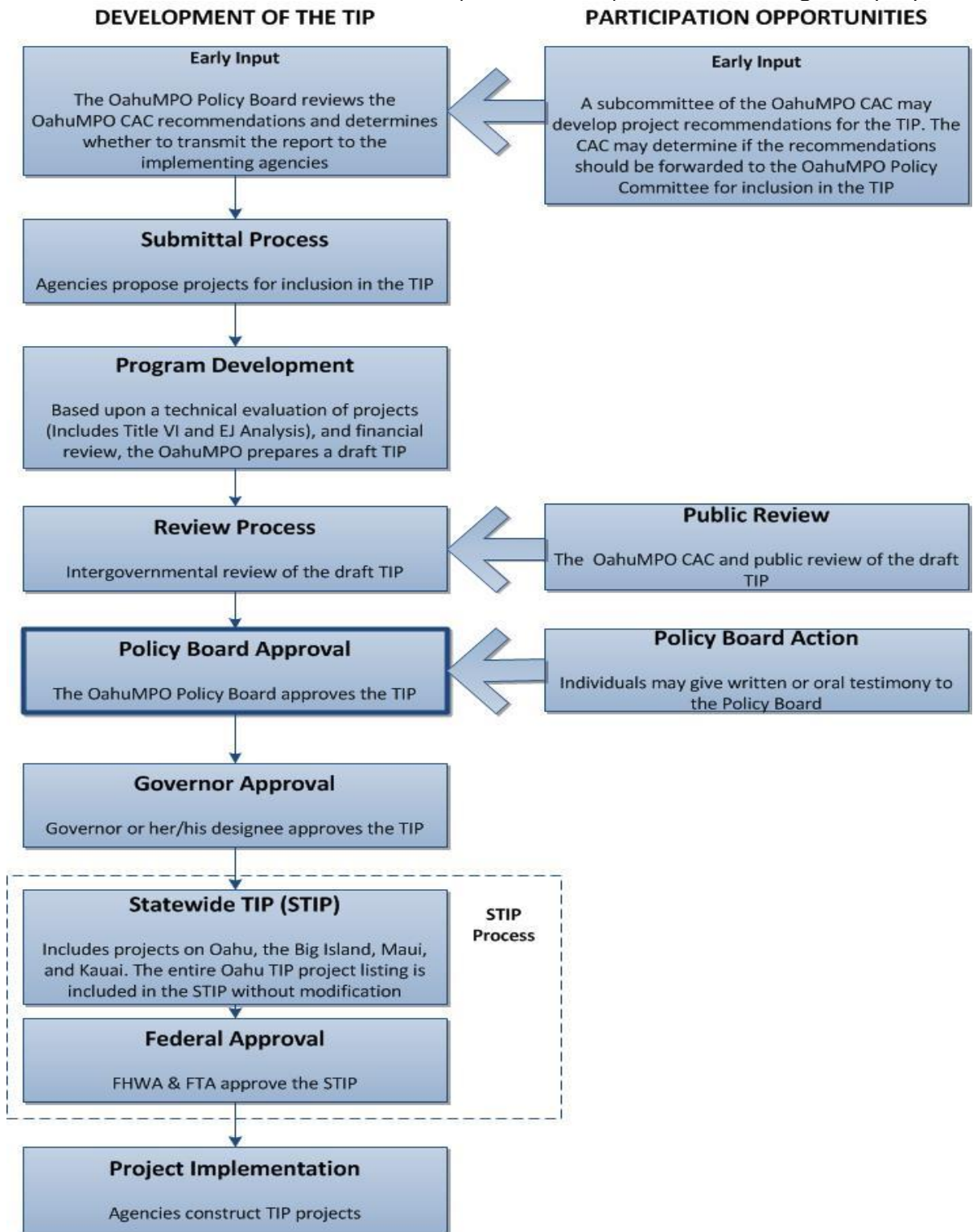
4. The CAC will assist OahuMPO staff in the development and implementation of a public outreach process.
 - a. The CAC will meet with OahuMPO staff throughout the development and implementation of the ORTP public outreach process.
 - b. The CAC will have the opportunity to review and comment on various work products supporting the public outreach process.
5. OahuMPO staff will make presentations and give status reports about the development of the ORTP to the CAC throughout the project.
6. Should the OahuMPO Policy Board wish to act to endorse a final document that differs significantly from the public review draft, an additional opportunity for public comment will be provided prior to finalizing the ORTP.
7. Significant written and oral comments received on the public review draft document and their disposition will be documented as part of the ORTP process.

Transportation Improvement Program

The following procedures, in conjunction with the public involvement administrative guidelines described in Part 3, shall be used to facilitate the timely development of the TIP. Participation opportunities in the development of the TIP are highlighted in Figure 2.

1. Prior to a “call for projects” to the agencies for input into the TIP, the CAC will be offered the opportunity to develop a list of recommended projects for inclusion in the TIP.

Figure 2
Public Involvement in the Oahu Transportation Improvement Program (TIP)



For example, in the past, the CAC formed a subcommittee to identify criteria for project selection and prioritization. They then reviewed the list of projects in the ORTP and the current TIP, and applied the criteria to produce a list of recommended projects.

2. The CAC's recommendations will be provided to the Policy Board for their consideration in selecting projects for the TIP.

In the past, the Policy Board has directed that the CAC's recommendations be transmitted to the implementing agencies for their consideration.

- c. Should the Policy Board wish to act to endorse a final document that differs significantly from the public review draft, an additional opportunity for public comment will be provided prior to finalizing the TIP.
- d. Significant written and oral comments received on the public review draft document and their disposition will be documented as part of the TIP process.
- e. The City and County of Honolulu is using the TIP public involvement process, as outlined in the Federal Highway Administration/Federal Transit Administration metropolitan transportation planning regulations (23 CFR 450/49 CFR 613), to satisfy the public hearing requirements for the Federal Transit Administration's Urbanized Area Formula Program (49 USC Section 5307) program-of-projects.

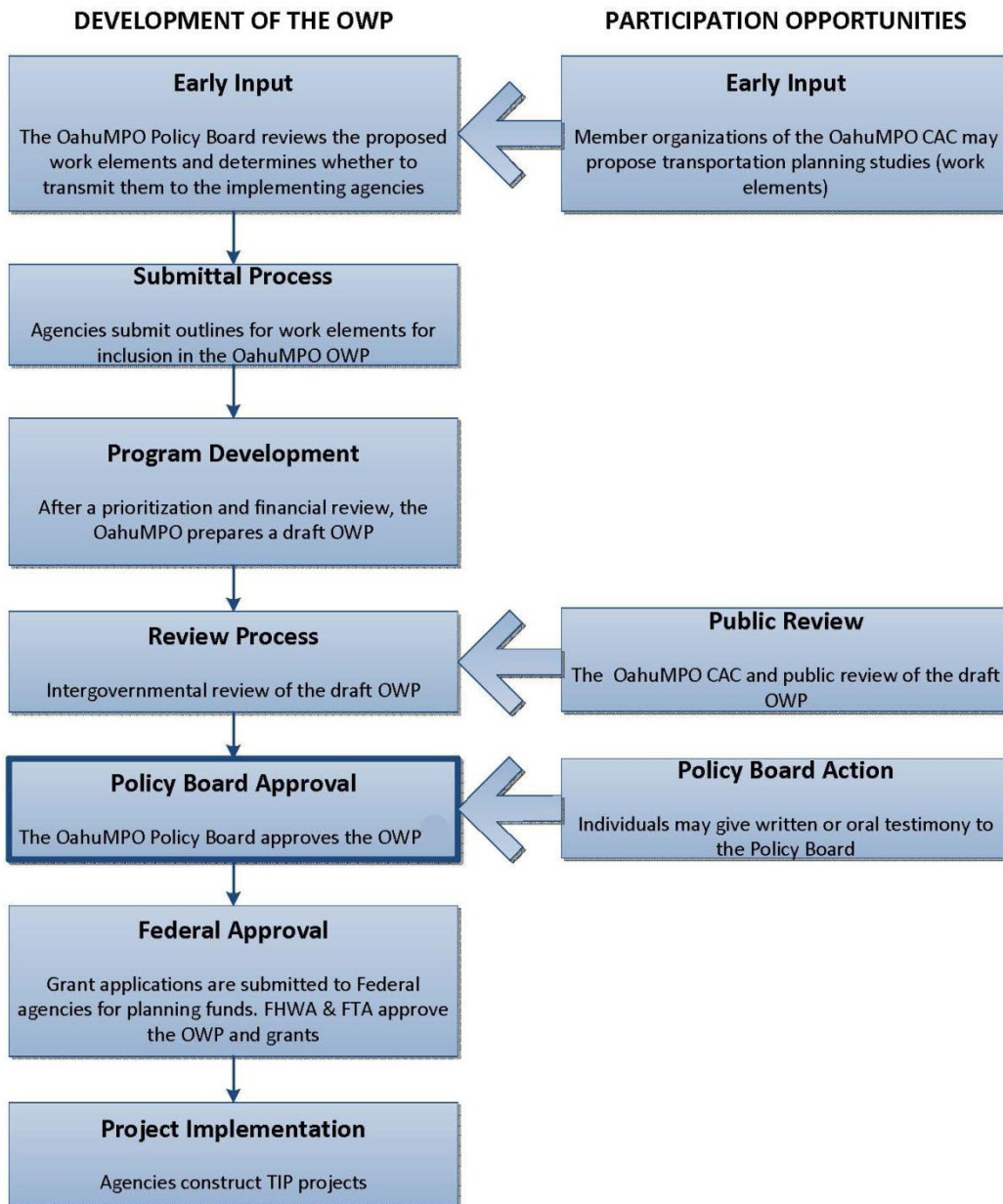
Overall Work Program

The following procedures will be used to facilitate the timely development of the OWP. Participation opportunities in the development of the OWP are highlighted in Figure 3.

Prior to a "call for work elements" to the agencies for input into the OWP, the CAC will be offered the opportunity to suggest work elements for inclusion in the OWP.

The CAC's recommendations will be provided to the Policy Committee for their consideration in selecting work elements for the OWP.

Figure 3
Public Involvement in the Overall Work Program (OWP)



Additionally, both the TIP and ORTP project groupings are analyzed for Title VI and Environmental Justice population investment equity. An example of the analysis is shown in Appendix E: Sample TITLE VI / ENVIRONMENTAL JUSTICE EQUITY ANALYSIS. Title VI and EJ Census Block Groups were identified in the *Environmental Justice in the OMPO Planning Process: Defining Environmental Justice Populations* report published in March 2004. An updated listing of Title VI and EJ Census Block Groups was proposed in the *Geographic Distribution of Minority and Poverty Populations on Oahu: 2010* in January 2015. Funding for consultant support is available to document the T6/EJ evaluation procedures and provide OahuMPO staff with sufficient training to use of the revised analysis tools in FFY 2016/17.

VII. Approval and Status Reporting

HDOT is a recipient of Federal assistance and OahuMPO is a subrecipient of these funds. The OahuMPO staff cooperates and coordinates with HDOT Division of Civil Rights in the development of the Title VI and EJ Compliance reports. The reports are updated in accordance with the updated Title VI program requirements. The Annual Title VI and EJ Compliance report is sent to the Office of Civil Rights for review and approval.

An OahuMPO staff representative attends a quarterly Title VI Interdisciplinary meetings every year. These meetings introduce new updates to Title VI requirements and facilitates discussion on Title VI and EJ issues between different departments.

Status reports are not applicable to these reporting products. Databases or GIS files are taken from the specific planning product development process.

VIII. Project Close-out

The following steps are made to ensure the reports are properly closed out:

1. In-house review of draft reports
2. HDOT approval of draft reports
3. FHWA and FTA review of the final reports