T6/EJ Program Implementation Plan as September 30, 2019

Without Attachment 9 (Signed Minutes of September 24, 2019 Meeting of the Policy Board)

Title VI and Environmental Justice Program Implementation Plan

Approved by the Policy Board on September 24, 2019

O'ahu Metropolitan Planning Organization
707 Richards Street Suite 200, Honolulu, Hawai'i 96813
www.oahumpo.org
(808) 587-2015

Title 23 United States Code sections 134-135 and Title 49 United States Code 8 sections 5303-5304 and other Federal laws require that metropolitan planning organizations (MPOs) be designated based on a minimum population threshold as defined in Federal law to act as a decision-making agency and to receive certain funds for the purpose of carrying out a continuing, cooperative, and comprehensive transportation planning process. Act 132 (2015) designated the O'ahu Metropolitan Planning Organization (OahuMPO) to be the MPO for the island of O'ahu. It was also designated as a transportation management area (TMA) to be administratively attached with the State Department of Transportation (HDOT).

This Title VI and Environmental Justice (T6/EJ) Program Implementation Plan for OahuMPO outlines how the OahuMPO will provide equal access to the transportation planning process and will ensure that it is non-discriminatory in its policies, programs and activities. It is guided by 23 CFR 200 for FHWA requirements and FTA Circular C 4702.1B for FTA requirements. The Plan was completed in close consultation with the Hawai'i Department of Transportation Civil Rights Office which has oversight over OahuMPO on T6/EJ program implementation.

ACRONYMS AND ABBREVIATIONS

AARP	American Association of Retired Persons
ADA	American Disability Act
CAC	Citizen Advisory Committee
CFADAR	Citizens for a Fair ADA Ride
C.F.R.	Code of Federal Regulations
EBT	Electronic Benefit Transfer
FFY	Federal Fiscal Year
FHWA	Federal Highway Administration of the USDOT
FTA	Federal Transit Authority of the USDOT
HDOT	State of Hawai'i Department of Transportation
LEP	Limited English Proficiency
MPO	Metropolitan Planning Organization
OahuMPO	O'ahu Metropolitan Planning Organization
ORTP	O'ahu Oahu Regional Transportation Plan
OWP	Overall Work Program
PPP	Public Participation Plan
T6/EJ	Title VI and Environmental Justice
TAC	Technical Advisory Committee
TIP	Transportation Improvement Program
U.S.C.	United States Code
USDOT	United States Department of Transportation

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O'AHU METROPOLITAN PLANNING ORGANIZATION
Title VI and Environmental Justice Program Plan

I. Statement of Policy

The OahuMPO complies with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. It assures that no person shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any of its programs, activities or services. It assures also that every effort will be made to prevent the discrimination of low-income and disadvantaged populations following Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Finally, it assures that every effort will be made to provide meaningful access to persons that have Limited English Proficiency ("LEP"), following Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

A signed Statement of Policy is included as Attachment 1.

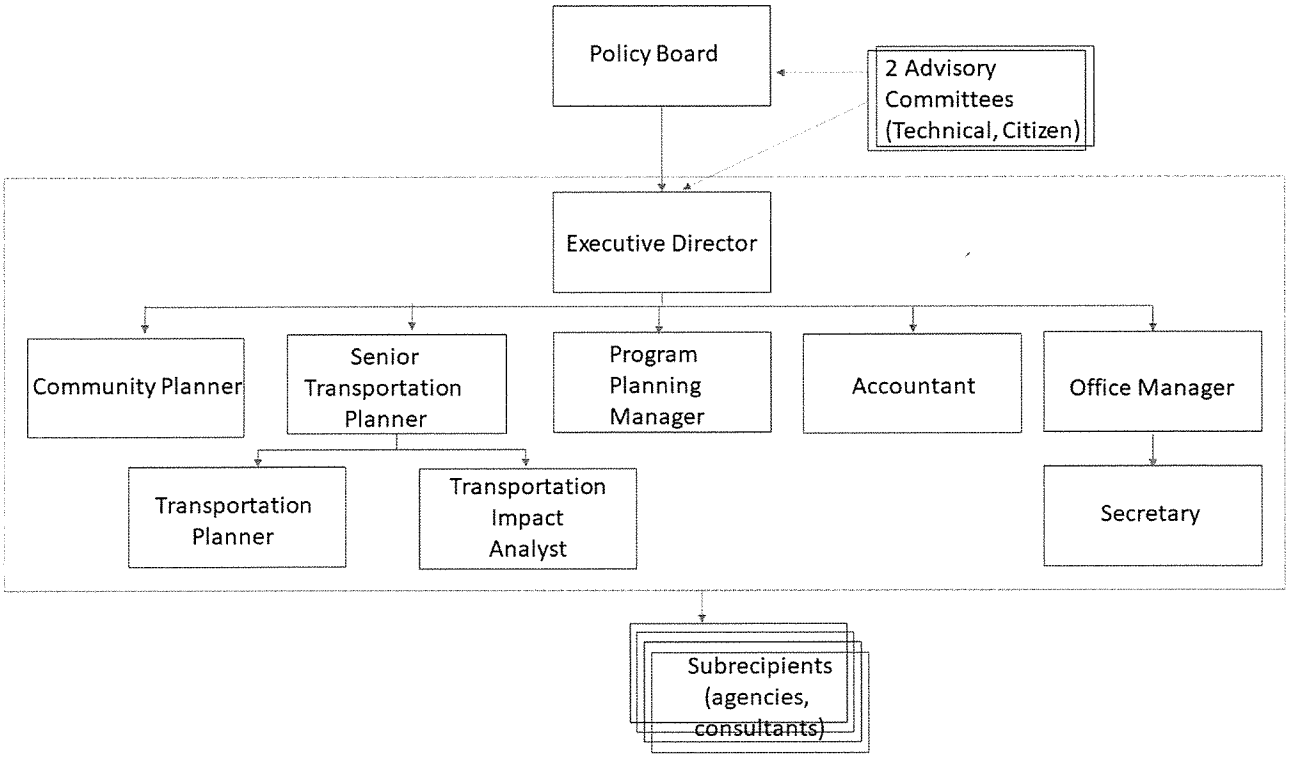
II. Title VI Assurances

This OahuMPO Title VI/Environmental Justice Plan applies to all OahuMPO programs, activities, and services, regardless of funding source. As a recipient of Federal transportation planning funds from the United States Department of Transportation, OahuMPO acknowledges the relevant authorities guiding the use of Federal funds and signs on to several general and specific assurances that are required by the U.S. Department of Transportation of MPOs. The signed set of Assurances, including Appendices A-E, and as required by the Federal Highway Administration (FHWA) is presented in Attachment 2.

III. Organization and Staffing

The organization structure is outlined in Chart 1. The Policy Board is OahuMPO's decision-making body. It has two advisory committees, namely the Technical Advisory Committee ("TAC") and the Citizen Advisory Committee ("CAC"). The TAC is tasked with providing technical input while the CAC is tasked with public input. OahuMPO staff, led by the Executive Director, supports the Policy Board, TAC, and CAC. It enlists consultants, service providers, and partner agencies to carry out some of its work.

Chart 1. OahuMPO Organizational Structure



The Executive Director will be the OahuMPO's designated Title VI Coordinator and Title VI Complaint Officer. This position will lead in the administration of the Title VI program and is invested with the authority to sign official documents on behalf of the OahuMPO. This position will ensure that there will be adequate resources, including qualified staff, to address the following T6/EJ responsibilities:

- Coordinate T6/EJ program development within the OahuMPO;
- Establish procedures for implementing T6/EJ program review and subcontractors' review;
- Coordinate Title VI training for staff;
- Prepare required reports;
- Provide advice on T6/EJ program to staff, Policy Board, CAC and TAC;
- Review and updating this Plan as needed; and
- Receive and respond to T6/EJ complaints.

The Community Planner will assist as the Title VI liaison to HDOT and will be a member of the HDOT interdisciplinary team.[1] Staff members will support the T6/EJ program based on their job descriptions and as assigned by the Executive Director.

IV. Program Areas

The OahuMPO is specifically responsible for the following:

1. O'ahu Regional Transportation Plan (ORTP). This is the long-range, comprehensive plan that will identify projects, programs, and policies to meet the transportation needs of O'ahu. This plan looks at a 20- to 25- year period. Using various data collected by the OahuMPO, the ORTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have. OahuMPO actions will include:

- Developing demographic profile maps that project growth in disadvantaged populations over at least a 20- to 25- year planning horizon;
- Allowing all populations the opportunity to provide input into project identification and reaching out especially to T6/EJ population;
- Assessing the effects that future land use decisions and transportation projects might have on neighborhoods, the environment, and the economy;
- Ensuring that the benefits and impacts of future transportation systems are equally distributed among all areas covered by OahuMPO planning; and
- Articulating performance targets for equity.

2. Transportation Improvement Program (TIP). This is a four-year program of projects that will be designed, engineered, and constructed. OahuMPO actions will include:

- Working with the entities to identify transportation projects that serve areas with low income and minority populations;
- Provide the opportunity for all populations to give input into project identification; and
- Develop a performance target for a percent of projects and transportation investments that serve T6/EJ populations.

3. Overall Work Program ("OWP"). The OWP is a program of annual work and budget that OahuMPO will carry out, including those that will be completed with the help of other agencies and consultants. OahuMPO actions will include:

- Identification of planning activities that will encourage involvement by all, including T6/EJ members and stakeholders;
- Analysis of the benefits and impacts that planning studies might have on low income and minority populations;

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[1] See page 10 of the HDOT Title VI Plan which is posted on https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf

- Guidance and monitoring of OahuMPO's subrecipient agreements and work progress reports, including elements that are relevant in helping the OahuMPO meet its overall T6/EJ program requirement; and
- Use of project scoping and agreements to motivate subrecipients' cooperation.

The development of these work products is guided further by a set of Policy Board-approved policies and procedures that were approved in 2015.

V. Data Collection and Equity Analysis

The OahuMPO uses data from the U.S. Census, public outreach, information on poverty guidelines from the U.S. Department of Health and Human Services, and others. The types and analyses will be in line with HDOT's data collection. This is outlined in HDOT's Title VI Plan Attachment D[2]. The OahuMPO will continue to use a GIS-based T6/EJ analysis tool that was developed to analyze the potential impacts of the Oahu Regional Transportation Plan (ORTP) and Transportation Improvement Program (TIP) projects on those populations. This data tool identifies the concentration of T6/EJ groups per block group, separating "EJ Area" and "non-EJ Area." The equity analysis tool compares federally-funded transportation projects between the two areas to determine Average Per Capita Investment from total project costs. The current procedures are documented in the OahuMPO Title VI/Environmental Justice Analysis Update Report dated September 15, 2016.

The OahuMPO will join other MPOs and working groups made up of implementing and partner agencies in addressing the need to fully identify the benefits and burdens of transportation investments to minorities, and the disadvantaged and low-income populations. It will continue to watch out for new data analytics, explore reasonable use of available secondary data and be innovative in measuring equity, and collect primary T6/EJ data for its planning processes and studies.[3]

VI. Subrecipient Review Procedures

The term "subrecipient" has two contexts in this Plan. In the first context, the OahuMPO is a subrecipient of HDOT because Federal funds meant for OahuMPO are received via the HDOT. In this first context, the OahuMPO will cooperate with any planned review set by the HDOT. It will seek technical assistance from HDOT, FHWA, or FTA as needed. In the second context, the OahuMPO has its subrecipients. They are partner agencies and consultants that help carry out OWP work elements. In this context, the OahuMPO will monitor and review sub-

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[2] See page 40 of HDOT Plan in https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf

[3] See page 7 of the 2018 USDOT FHWA and FTA TMA Federal Certification Review Report. The review recommends a more robust analysis of the benefits and impacts starting with the next ORTP and TIP. Refer to https://www.oahumpo.org/?wpfb_dl=1477

award agreements, semi-annual work progress reports, and closeout reports. It will also provide orientation or technical assistance to its subrecipients, as needed.

VII. Staff Training

Key training for the Title VI program will be coordinated with HDOT. As part of their orientation, all new Policy Board and advisory committee members and OahuMPO employees will be informed of this Plan and OahuMPO's T6/EJ program obligations. All staff members will be encouraged to avail themselves of free training, including FHWA National Highway Institute training on fundamentals of environmental justice, and those offered by relevant State agencies (e.g., as the Office of Language Access, Office of Information Practice, and the State Disability Communication and Access Board.[4] The OahuMPO staff will engage in periodic self-assessment, formally and informally, to identify competency gaps and solutions, distinguishing what can be solved through training and non-training methods. Opportunities for training will be pro-actively sought as part of the effort to continuously improve compliance.

VIII. Complaint Procedures and Reporting

The public notification of rights under Title VI includes instructions on how to file a Title VI or discrimination complaint. In alignment with HDOT's Title VI Plan,[5] complaints received by the OahuMPO will be guided by the procedures that is outlined in Attachment 3.

The OahuMPO has not received any Title VI complaint or lawsuit and has not been part of any investigation to date. If it does, it will include that fact in its annual report and cover the following information:

1. Item
2. Date Filed
3. Summary
4. Status of the complaint
   Action(s) taken

- complaint, investigation or lawsuit
- month, day, and year
- basis of complaint (race, color, national origin, or others)

IX. Dissemination of Title VI Information

The following elements of information dissemination are meant to reduce the barriers for participation by low income, minority, or disabled individuals:

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[4] For examples, see 1) hhttp://health.hawaii.gov/ola/training-and-conferences/
2) https://oip.hawaii.gov/training/ and 3) http://health.hawaii.gov/dcab/ada-curriculum-for-state-and-county-government-entities/

[5] See page 35 of the HDOT Title VI plan in https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf

- Notifying the public of their right Under Title VI in vital documents, office, meeting places, and website (see Attachment 5);
- Disseminating public notice of meeting agenda to members of the public via accessible printed and electronic media, including posting on the OahuMPO website, City and County government event calendar, and State of Hawai'i event calendar. The public notice will include instructions for auxiliary services like language interpretation and text telephone (see Attachment 6);
- Inclusion of agencies and organizations that represent low income, minority, and disabled populations in OahuMPO notification lists;
- Evaluation of Title VI and Environmental Justice action to ensure the effectiveness of information dissemination and other elements of public participation;
- Providing procedures and forms for filing a discrimination complaint against the OahuMPO;
- When possible, holding public meetings in locations that are convenient to low- and moderate-income neighborhoods and accessible to disabled populations; and
- Upon request, all OahuMPO work products and documents will be made available in alternative formats (e.g. large type and languages other than English).

X. Public Participation Plan

The OahuMPO maintains and updates a Public Participation Plan (PPP).[6] The PPP does the following:

- Outlines and demonstrates opportunities for public involvement and comment at key decision points during the development and planning of key OahuMPO work products;
- Requires the need to address participation of T6/EJ populations;
- Recognizes the Citizen Advisory Committee (CAC) as a key entity in early and continuous public involvement; the CAC bylaws call for a CAC that is broadly-based to include minorities and disadvantaged groups;
- Requires further customization of public outreach and involvement for ORTP, TIP, and special studies; partner agencies, like the City's Department of Transportation Services, and their consultants may choose to be guided by their public involvement methods and processes that meet Federal requirements; and
- Identification of resources on PPP techniques, tools, and methods.

Among others, customization of public outreach and involvement must address the following Title VI and Environmental Justice (EJ) goals:

[6] The current OahuMPO's PPP is posted on https://www.oahumpo.org/plans-and-programs/public-participation-plan/

- 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;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

XI. Compliance and Enforcement Procedures

In alignment with the HDOT Title VI Plan, the OahuMPO will cooperate with HDOT and will participate in the latter's conduct of periodic Federal Title VI regulation compliance review. Self-reviews, as the need arises, will also be conducted from time to time to correct deficiencies.

The required annual reports will be completed, not only for information, but also as an assessment of how the OahuMPO is faring in Title VI program implementation. An outline of this report is based on the HDOT Title VI Plan[7] and is presented in Attachment 7.

XII. Limited English Proficiency

An OahuMPO Language Access Plan, aligned with the HDOT Language Access Plan[8], is presented in Attachment 8. It outlines the reasonable steps to assess and address the needs of individuals who, due to limited English proficiency (LEP), cannot fully and equally participate in or benefit from OahuMPO programs and activities.

XIII. Special Emphasis Program Areas

It is the HDOT's role to identify areas as having potential discriminatory patterns. If warranted, the OahuMPO will consider recommending to the HDOT areas for special emphasis consideration.

XVI. Plan Update and Submission

This Plan is a combination plan and designed to meet FTA and FHWA requirements. As such, it will be reviewed annually for FHWA and every three years for FTA. The OahuMPO will submit the annual update for HDOT and FHWA approval no later than September 30. It will submit updates for HDOT and FTA approval every three years. When there are no changes, the OahuMPO will simply renew signatures on the policy statement and assurances document. The OahuMPO will also submit annual accomplishment reports for FHWA requirements and triennial

[7] See page 31 in https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf
[8] See Page 45 in the above link.

accomplishment reports for FTA requirements. Accomplishment reports will be submitted in October of each year.

XVII. Additional FTA Requirements

A. A table depicting the membership of non-elected committee and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on subcommittees.

The Policy Board and the Technical Advisory Committees are non-elected bodies but are not selected by the OahuMPO nor HDOT. The CAC member organizations are not selected by the OahuMPO but applications for membership must be approved by the Policy Board.

At present, 24 of the 36 O'ahu's publicly-elected neighborhood boards are members of the CAC. The Neighborhood Board Commission office's latest demographic profile of neighborhood boards is dated 2000.[9] The OahuMPO will encourage said office to update the data.

Of the 17 current non-neighborhood board members in the CAC, four entities advocate for subgroups of the T6/EJ population. They are the American Association of Retired Persons (AARP), Citizens for a Fair ADA ride (CFADAR), Hawai'i Association of the Blind, and Mestizo Association.

An ethnicity breakdown of the CAC is presented in the table below, alongside the latest O'ahu population's ethnicity breakdown:

[S] See Demographic Characteristics of Neighborhood Boards 2000 in http://www.honoluludpp.org/Portals/0/pdfs/planning/demographics2/2000/GeneralCharacteristics/2000-NA.pdf

Table 1. Ethnicity Profiles for O'ahu Population and CAC members

Ethnicity	2019 CAC Midyear Survey	2018 Databook
Hawaiian	22.7%	21.7%
Samoan	0	*
Micronesian	4.5%	*
Tongan	-	*
Other Pacific Islander or Mix	0	26.1%
Chinese	13.6%	4.6%
Filipinos	9.1%	9.4%
Japanese	31.8%	21.2%
Korean	4.6%	1.1%
Vietnamese	0	*
Laotian	0	*
Other Asians	4.6%	*
Black	0	*
Hispanic	18.2%	*
White	77.3%	14.7%
Others	22.7%	*
Totals	209.1%**	98.8%

Notes: A total of more than 100% reflects that respondents may have chosen more than one ethnicity. A total of less than 100% reflects that exclusion of numbers that were negligible. The data are from the CAC 2019 Midyear Survey Results as of September 12, 2019 and the 2018 State of Hawai'i Databook. The data reflect answers from 22 CAC representatives. The 2018 Databook estimates are based on 2010 Census where total population is 953,207.

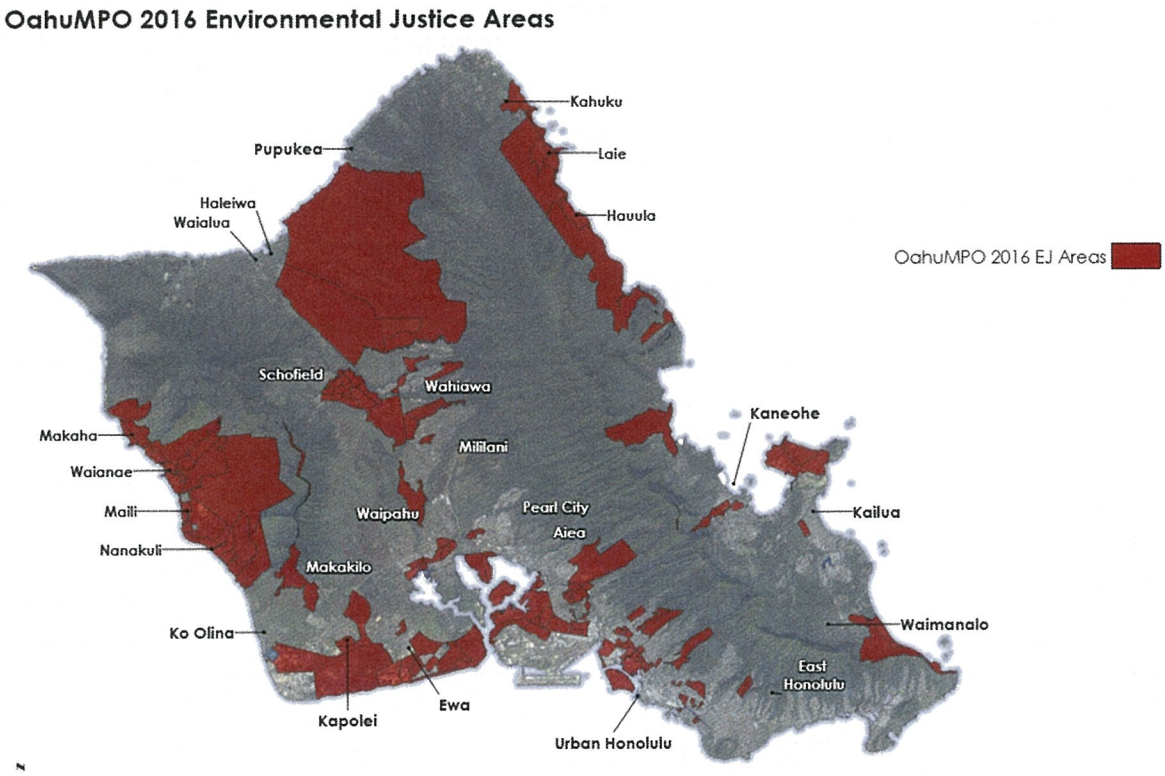
During the last fiscal year, the OahuMPO community planner informally reached out to umbrella organizations of the three large ethnic minorities namely Hawaiians, Filipinos and Micronesians. Leaders were invited to attend the CAC meetings, a prerequisite of becoming a full-fledged CAC member-organization. These organizations are the Association of Hawaiian Civic Clubs, the O'ahu Filipino Community Council, and We are Oceania.

The Public Involvement Phase 1 of the ORTP 2045, between January to May 2019, served as opportunities to pop up where the OahuMPO could meet more leaders and members of minority groups. These contacts served as building relationships to encourage participation by minorities.

B. Demographic Profile of the Metropolitan Area

The map below visually summarizes the areas with larger T6/EJ population. The areas were determined based on a methodology that is outlined in the OahuMPO Title VI/ Environmental Justice Analysis Update Report dated September 15, 2016.

Map 1. Title T6/EJ Profile of O'ahu



Source: OahuMPO Title VI /Environmental Justice Analysis Update Report, September 15, 2016

C. Description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.

OahuMPO's procedures include secondary data analysis, stakeholder analysis, and a PPP that intentionally requires outreach to T6/EJ population and customized public involvement plans for ORTP, TIP, and special studies.

Customized public involvement plans may be presented to the advisory committees and Policy Board for comments. A working group from partner agencies and implementing agencies may be established, as needed, to vet customized public involvement plans and to support implementation. For special studies that are done by partner agencies, public involvement plans may be customized based on their respective public participation plans.

As an example of a customized public involvement plan, the recent ORTP 2045 Phase I (for vision and goal setting) placed value on inclusivity and the missing voices of planning processes. To address this, Phase I went beyond CAC meetings for public input. Three techniques were deployed namely pop-up events, an online survey, and focus groups. In discussing Title VI/EJ population outreach, several sub-groups were identified as missing voices

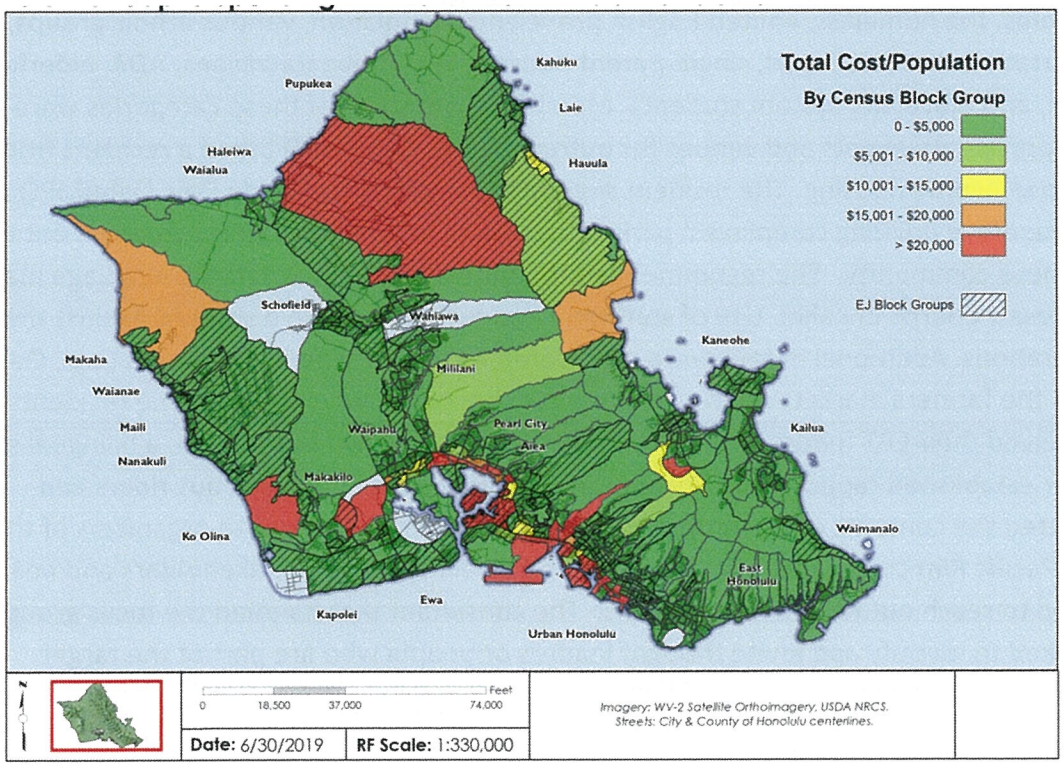
or underrepresented in the ORTP development process. The subgroups are zero car households, the homeless, limited English proficiency population, various ethnic groups, transportation-disadvantaged, single-parent households, Native Hawaiians, ADA, elderly, children, and university system students. Members from some of these categories were asked about appropriate events and venues for outreach (e.g., OahuMPO asked a resident from the Palolo low-income housing. The resident suggested Jarrett School Pride Day. OahuMPO also asked the office building complexes' parking attendant where OahuMPO can reach out to the Vietnamese community. She recommended the time after the Vietnamese language mass of St. Theresa's Church in Kalihi. Use of staff time and resources were discussed against these considerations. Additional details were considered further in scheduling events (e.g., OahuMPO went to the farmers markets on the first week of the month when low-income residents have just received their EBT funds). When staff went to the Wahiawa bus station, a bilingual staff member established rapport with Ilokano- and Tagalog-speaking public bus riders and interpreted the contents of a prioritization activity. Staff reached out to organizers of the annual Pacific Rim conference on disabilities and diversity for ADA stakeholders and health fairs designed to reach out to Native Hawaiians. The consultant that handled the focus groups was also tasked to identify and invite thought leaders or people who are part of the target population.

The PPP requires an evaluation of implementation to learn lessons, both promising practice and areas for improvement.

C. Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate of public transportation projects.

Map 2 illustrates the result of the current method of indicating impact. The method estimates per capita investments in T6/EJ and non-T6/EJ areas. This method was used in analyzing Transportation Improvement Program for FFYS 2019-2022. It covers all projects and changes until revision 6.

Map 2. Total Per Capital Spending: TIP FFYs 2019 – 2022 Revision 6



Source: https://www.oahumpo.org/?wpfb_dl=1676

D. A*nalysis of the MPO's transportation system investment that identifies and addresses any disparate impacts.*

Based on the TIP FFYs 2019-2022, all FTA projects therein are island-wide except for the Honolulu Rail Project. [10]

[10] The OahuMPO's working group on ORTP 2045 has called for the inclusion of equity as part of long-term vision and goals. The FHWA and FTA concepts of disparate impact and disproportionate burden are as follows:

Disparate Impact: A facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the policy or practice lacks a substantial legitimate justification and where there exists one or more alternative policies or practices that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

Disproportionate Burden: A neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of a disproportionate burden requires the evaluation of alternatives and mitigation of burdens where practicable.

Attachment 1

Title VI and Environmental Justice Policy

The O'ahu Metropolitan Planning Organization (OahuMPO) is the regional transportation planning agency for the island of Oahu. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The Hawai'i Department of Transportation (HDOT) is the fiscal and administrative agent for the OahuMPO.

The OahuMPO complies with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. It assures that no person shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any of its program, activity or service. It assures also that every effort will be made to prevent the discrimination of low-income and disadvantaged populations following Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Finally, it assures that every effort will be made to provide meaningful access to persons that have Limited English Proficiency ("LEP"), following Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

FOR O'AHU METROPOLITAN PLANNING ORGANIZATION

ALVIN AU
Executive Director

Date SEPTEMBER 30, 2019

Attachment 2

Title VI Standard Assurances

The O'ahu Metropolitan Planning Organization, (herein referred to as the "OahuMPO"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (USDOT), through the *Hawai'i Department of Transportation (HDOT),* is subject to and will comply with the following:

Statutory/Regulatory 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);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation – Effectuation Of Title VI Of The Civil Rights Act Of 1964);*
- 28 C.F.R. section 50.3 (entitled, *U.S. Department of Justice 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 O'ahu Metropolitan Planning Organization (OahuMPO) hereby assures that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, national origin, English language proficiency, religion, gender and sexual orientation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the OahuMPO receives Federal financial assistance from US Department of Transportation (USDOT), through the Hawai'i Department of Transportation (HDOT).

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (e.g., 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 non-discrimination statues and requirements to include all programs and activities of the Recipients, so long as any portion of the program is federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the O'ahu Metropolitan Planning Organization agrees with and gives the following Assurances with respect to its Federally-assisted programs and activities.

1. The OahuMPO 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 OahuMPO 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 all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "The OahuMPO *in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.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 OahuMPO 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 OahuMPO 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 OahuMPO 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 OahuMPO 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 OahuMPO will include the clauses set forth in Appendix C and Appendix 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 OahuMPO 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 OahuMPO 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 OahuMPO, 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 OahuMPO retains ownership or possession of the property.

9. The OahuMPO 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, other recipients, sub-recipients, 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 OahuMPO agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the OahuMPO also agrees to comply (and require all sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees) to comply with all applicable provisions governing the USDOT access to records, accounts, documents, information, facilities, and staff. OahuMPO also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the USDOT. It must keep records and reports, and submit the material for review upon request to USDOT or its designee in a timely, complete, and accurate way. Additionally, OahuMPO must comply with all other reporting, data

collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The OahuMPO 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 USDOT Federal Highway Administration or Federal Transit Administration. This ASSURANCE is binding on the State of Hawai'i, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program and Federal Transit Administration. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the OahuMPO.

FOR O'AHU METROPOLITAN PLANNING ORGANIZATION

ALVIN AU
Executive Director

Date SEPTEMBER 30, 2019

Attachment 2 - 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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the 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. Nondiscrimination: 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 procurements of materials and leases of equipment. The contractor will not participate 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 Subcontracts, Including Procurements 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 procurements 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 Nondiscrimination 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 the 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 a 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 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 procurements of materials and leases of equipment, unless exempt by the Acts, the 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.

Attachment 2 - Appendix B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will 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 OahuMPO will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of the State of Hawai'i HDOT, FHWA, OahuMPO*, and* the Regulations for the Administration of the Federal-Aid Highway Program 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, Nondiscrimination 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 2000d-4), does hereby remise, release, quitclaim and convey unto the OahuMPO 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 OahuMPO 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 OahuMPO, its successors and assigns.

The OahuMPO 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 OahuMPO will use the lands and interests in 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, Nondiscrimination 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 and 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.)

Attachment 2 -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 OahuMPO 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 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 be 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 Nondiscrimination covenants, the OahuMPO will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the OahuMPO 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 OahuMPO 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.)

Attachment 2- 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, permits, or similar instruments/agreements entered into by the *OahuMPO* 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 Nondiscrimination covenants, the OahuMPO 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 OahuMPO will there upon revert to and vest in and become the absolute property of the OahuMPO 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.)

Attachment 2 –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 nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination 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);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of 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 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 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 discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or 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);

- 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).

Attachment 3

Title VI Complaint Procedures

The law prohibits intimidation or retaliation of a person who files a complaint.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination on the basis of race, color, national origin, age, disability or sex, protected categories under Title VI and other related statutes, may file a Title VI complaint with the OahuMPO Title VI Complaint Officer. A complaint may also be filed by a representative on behalf of such a person. A complaint should be directed to:

   OahuMPO Title VI Complaint Officer
   707 Richards Street Suite 200
   Honolulu, Hawai'i 96813-4623

   or

   Office of Civil Rights
   Hawai'i State Department of Transportation
   200 Rodgers Boulevard
   Honolulu, Hawai'i 96819

   Complaints may also be filed directly with the relevant funding agency:

   FTA Office of Civil Rights (Attention: Title VI Program Coordinator)
   1200 New Jersey Avenue SE
   5th Floor TCR
   Washington DC 20590

   or

   FHWA Office of Civil Rights
   1200 New Jersey Avenue SE
   8th Floor E81-105
   Washington DC 20590

2. To have the complaint considered under this procedure, the complainant must file the complaint <u>no later</u> than one hundred eighty (180) days after:
   a) The date of the alleged act of discrimination; or
   b) Where there has been continuing course of conduct, the date on which that conduct was discontinued.

3. Complaint may be filed using the OahuMPO discrimination complaint form (see Attachment 7). If the complaint is received by phone or a written complaint provides incomplete information, the complainant will be requested to complete the OahuMPO discrimination complaint form. The written complaint must be signed and dated by the complainant or their authorized representative. The complaint must contain the complainant's name and address (or specify another means of contacting them) and must describe the allegation in sufficient detail to allow for a determination whether the OahuMPO has jurisdiction over the complaint.

4. If the complaint is received by the OahuMPO office, it will be logged-in by the Secretary or Office Manager and forwarded to the OahuMPO Title VI Officer who will review the complaint. If received by HDOT, it will be processed following the procedures of the respective agency. All complaints filed and relating to FHWA-funded projects will be routed the FHWA Civil Rights Office while FTA-funded projects will be routed to the FTA Civil Rights Office in for review and final determination of jurisdiction. Both offices are in Washington D.C.

5. Title VI complaints, after review of the FHWA or FTA and assignment of jurisdiction to OahuMPO, will be assigned to the OahuMPO Discrimination Complaint Officer and other designated OahuMPO staff who is trained in conducting such investigation.

6. The first step in conduction the investigation will be the preparation of an investigation plan, identifying the following elements:

    a. Basis of complaint;
    b. Issues to be addressed;
    c. Information needed to answer the question posed (what actually happened, who was involved, past practices, etc.);
    d. Sources from which the information will be obtained (witnesses, written document, etc.) ;
    e. How the information will be obtained (telephone interviews, travel to other offices, review of records, etc.); and
    f. Projected timeline for completion.

7. Within ten working days of receiving the complaint and determination of jurisdiction by the FHWA or FTA Civil Rights Office in Washington D.C., the complainant will be notified in writing the OahuMPO Title VI Complaint Officer regarding who will be conducting the investigation and anticipated timeline for completion.

8. One of the first steps in the investigation will be to meet with the complainant to clarify the issues and obtain additional information.

9. The respondent(s), i.e., the party or parties named in the complaint, will be notified of the complaint.

10. Proceed with the steps outlined in the investigation plan.

11. After completing the investigation, the information will be evaluated and a written report prepared. The report will contain the following elements:

    a. Description of the allegation;
    b. Summary of the investigation;
    c. Relevant facts (findings); and
    d. Supporting documents attached, when appropriate.

12. The written investigation report will be submitted to the HDOT Civil Rights Coordinator within 90 days of the time the complaint was received. If circumstances require additional time, a status report will be submitted and a request for extension of time will be forwarded to the Office of the Secretary of Transportation for approval.

13. A copy of the report shall be sent to the Attorney General's Office for their information and file.

14. The OahuMPO Title VI Complaint Officer will meet with the HDOT Civil Rights Coordinator and/or their designees to discuss the findings and what further action may be appropriate. The Civil Rights Coordinator and/or investigator will meet the HDOT Director. The HDOT Director shall make the final decision.

15. The complainant and complaint respondents will be notified in writing of the results of the investigation. For decisions averse to the complainants, they shall be notified that they have appeal rights to the U.S. Department of Transportation.

16. Copies of all OahuMPO Title VI complaint and investigative reports will be sent to the HDOT, who in turn will send such to the FHWA or the FTA Civil Rights Office within 60 days of the receipt of the complaint.

Attachment 4

O'AHU METROPOLITAN PLANNING ORGANIZATION

Discrimination or Title VI Complaint Form (English)

SECTION I		
Name (First, Middle Initial, Last Name):		
Address:	City & State	Zip Code
Telephone Number: Home	Work	Cell
Email Address:		
Accessible Format Requirement/s: Large Print ___ TDD ___ Audio Tape ___ Other (Specify) _____		
SECTION II		
Are you filing this complaint on own behalf? Yes ___ No___		
If you answered "Yes," please go to SECTION III. If you answered "No" and filing on behalf of someone else, please provide the name and relationship to the person for whom you are complaining. Name (First, Middle Initial, Last) _____ Relationship _____ Do you have the permission of the above person to file a complaint on their behalf? Yes __ No __ Please explain below why you have filed for the above person:		
SECTION III		
I believe the discrimination I experienced was based on (Circle all items that apply): Race Color National Origin Other, specify _____ When did the alleged discrimination happen? (Specify dates, mm/dd/yy)_____ Explain as clearly as possible how, what, when, and where you believe you were discriminated against. Include as much background information, including who was involved, and if known, include the name/s and contact information of the person(s) who discriminated against you. If more space is needed, please use and attach a separate sheet of paper.		
Signature of Complainant or Representative _____ Date_____		

SECTION V
Have you filed this with any other Federal or State agency? Yes___ No___ If yes, please name all agencies that received this complaint_____ If yes, please provide information about a contact person at each agency/court from where the complaint was filed: _____
Are you attaching written materials or other information that you think is relevant to this complaint? Yes ___ No ___
_____ _____ Signature of Complainant or Complainant Representative Date Please submit this form, and any attachment, in person at the address below, or mail to: OahuMPO Title VI Complaint Officer 707 Richards Street Suite 200 Honolulu, Hawai'i 96813 Form updated May 21, 2019

This form is will also be translated as needed and upon request.

Attachment 5

Notification to the Public of Title VI Rights

Notifying the Public of Rights under Title VI

The O'ahu Metropolitan Planning Organization ("OahuMPO") operates its programs and services without regard to race, color, national origin, sex, age, or disability in accordance with Title VI of the Civil Rights Act and its implementing regulations. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the OahuMPO.

For more information on the OahuMPO's Title VI Program, including the procedures for filing a discrimination complaint, contact the OahuMPO office by calling (808) 587-2015, emailing oahumpo@oahumpo.org, or visiting the OahuMPO Title VI and Environmental Justice page on https://www.oahumpo.org/get-involved/how-to-participate/title-vi-and-environmental-justice/.

If information is needed in another language, please contact (808) -587-2015.

Updated July 2019

Attachment 6

Language Included in Public Notice and Agenda of OahuMPO Meetings

To request language interpretation, an auxiliary aid or service (i.e., sign language interpreter, or materials in alternative format), contact OahuMPO at 587-2015 (voice only) six days before the meeting date. TTY users may use TRS to contact the OahuMPO office. Please note that requests made less than the six days requested cannot be assured.

Attachment 7

Title IV Annual Report Outline[11]

I. Purpose
II. Policy Statement
III. The Organization, Staffing, Structure
IV. Title VI Monitoring and Review Process
V. Complaints
VI. Accomplishments for Each Program Area
Appendices

[11] Further details in HDOT Plan Attachment B- Format for Annual Accomplishment Report, page 31

Attachment 8

OahuMPO Language Access Plan[12]

1. The OahuMPO's Community Planner will be designated as OahuMPO's Language Access Coordinator.
2. The OahuMPO is committed to providing oral language services in a timely and competent manner as well and to offer written translation of vital documents into the primary language of LEP persons.
3. The following "four-factor" analysis will be implemented to determine meaningful access:

    - *The number or proportion of persons with Limited English Proficiency ("LEP") to be served or served in the eligible service population.* For determining the population of persons with LEP, the OahuMPO will use the U.S. Census Bureau Language Use data for "Language Spoken at Home" and "Speak English less than very well."
    - *The frequency with which persons with LEP come in contact with the services, programs, or activities of OahuMPO*. The OahuMPO conducts public outreach as part of transportation planning. Contact with persons with LEP is not common but it may occur during periods of public outreach and comment period during major plan updates and planning studies.
    - *The nature and importance of the services, programs, or activities*. The OahuMPO does not provide direct transportation services to individuals nor manage the design or construction of transportation projects. However, it is responsible for information on how Federal transportation funds will be expended which directly affects all members of the public. It is important for the needs and desires of persons with LEP to be heard in this planning process. The planning process is often the first of multiple points of contact and opportunities for public input in the project development process.
    - *The resources available to the recipient and the cost for two types of assistance service -oral (interpretation) and written (translation).* The OahuMPO can provide both written and oral assistance services, upon request, but the OahuMPO does not have the resources to translate all documents and provide translation serves at all public meetings as a regular course of business. It will provide, upon request, translations of its major documents. Led by the language access coordinator, it will review its documents and determine which ones are vital documents. If there is a consistent need for translations, it will consider additional appropriate measures to serve the language access needs of those persons. To address immediate needs, it will use the resources provided by the Hawai'i Office of Language Access to identify the need for interpretation in one of 22 languages that are likely to be the primary languages spoken by people with LEP in the island. It will also survey staff and create a volunteer OahuMPO Bilingual staff among those who are willing to help with

[12] Adopted from HDOT Plan Attachment E

interpretation. It will refer to the HDOT Language Access plan's list of service providers if it needs to hire an outside interpreter to provide meaningful access. It will prioritize using the services of those in the State Procurement list with the assumption that these vendors have been vetted.

4. *Informing the public about their rights*. The OahuMPO will be responsible for informing the public of the right to free language assistance in their spoken language. Language identification cards or posting signs in public areas can be used to provide such notice.

5. *Training and capacity building*. All staff members with direct roles in implementing all or any part of this Plan shall be trained. The Language Access coordinator shall facilitate needed training in coordination with the State Office of Language Access, the HDOT and/or the FHWA. Implementation procedures and protocols shall also be developed and updated to ensure that standards of language assistance need are consistently met.

6. *Accountability and reporting*. Language access will be monitored and reported on as part of regular Title VI compliance review. The Plan will be reviewed annually as part of OahuMPO's Title VI Plan updating.

Attachment 9

Approval by the Policy Board
(September 24, 2019 Meeting)