

Title VI and Environmental Justice Program Implementation Plan

Approved by the Policy Board on September 24, 2019
Updated September 30, 2020





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 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

TABLE OF CONTENTS

Acronyms and Abbreviations.....2

Table of Contents.....3

I. Statement of Policy 4

II. Title VI Assurances 4

III. Organization and Staffing 4

IV. Program Areas 6

V. Data Collection and Equity
Analysis..... 7

VI. Sub-Recipient Review Procedures 7

VII. Staff Training 7

VIII. Complaint Procedures and Reporting 8

IX. Dissemination of Title VI Information 8

X. Public Participation
Plan..... 9

XI. Compliance and Enforcement Procedures 9

XII. Limited English Proficiency..... 10

XIII. Special Emphasis Program Areas 10

XIV. Plan Update and Submission 10

XV. Additional FTA
Requirements..... 10

Attachments

**Attachment 1. Signed Title VI and Environmental Justice
Policy..... 16**

Attachment 2. Signed Standard Title VI Assurances..... 17

Attachment 3. Title VI Compliant Procedures..... 29

Attachment 4. Discrimination or Title VI Complaint Form (English) 32

Attachment 5. Notification of Public’s Right to Title VI 34

Attachment 6. Language Included in Public Notice and Agenda 35

Attachment 7. Title VI Annual Report Outline	36
Attachment 8. OahuMPO Language Access Plan.....	37
Attachment 9. September 24, 2019 Approval by the Policy Board	39

**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

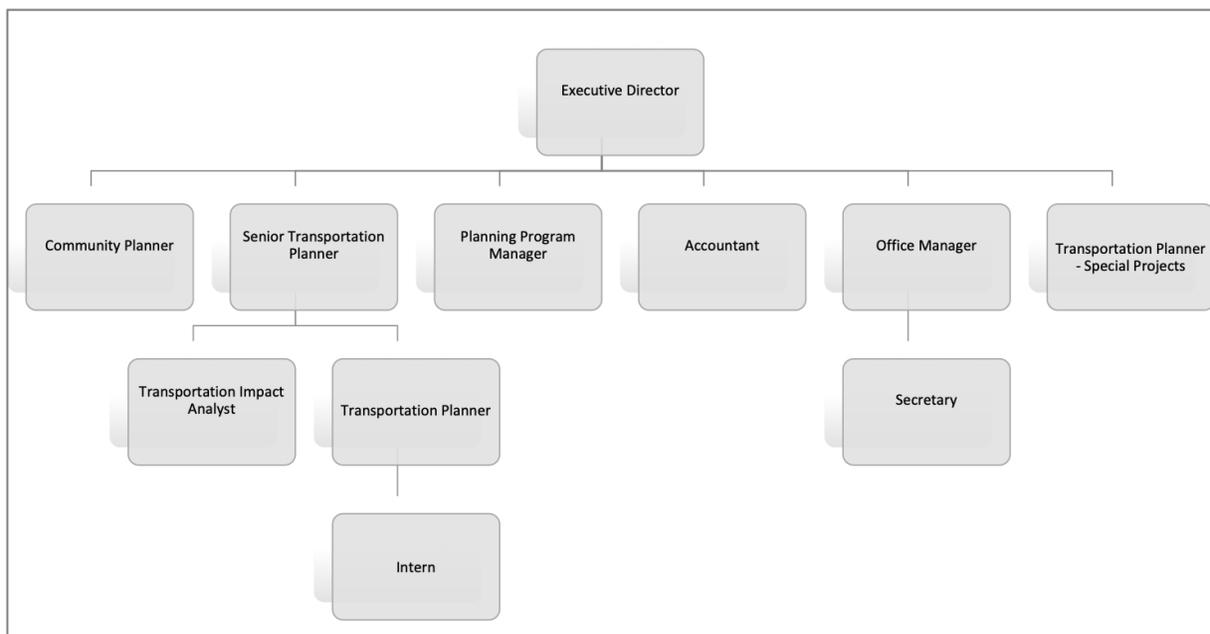
This OahuMPO Title VI/Environmental Justice Implementation Plan applies to all OahuMPO programs, activities, and services, regardless of funding source. As a recipient of Federal transportation planning funds from the United States Department of Transportation, OahuMPO acknowledges the relevant authorities 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 implementation plan 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 least a 20year horizon. 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:

- Allowing all populations the opportunity to provide input on projects and programs 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;
- Analyzing the benefits and impacts of future transportation projects and programs among all areas covered by OahuMPO planning; and
- Articulating performance targets for equity.

2. Transportation Improvement Program (TIP). This is a short-term program of projects and programs that will be designed, engineered, constructed, and/or implemented. OahuMPO actions will include:

- Provide the opportunity for all populations to give input on projects and programs; and
- To analyze equity in spending, a T6/EJ analysis of the projects programmed in the TIP is performed and evaluated.

3. Overall Work Program ("OWP").

The Overall Work Program (OWP) does two main things: 1) it describes and programs planning studies (along with any defined objectives, tasks, and deliverables), and 2) describes and programs the budgetary and staffing requirements for OahuMPO operations to support the completion of required work products like the ORTP and the TIP. The OWP is a requirement for metropolitan transportation planning activities performed with Federal funds provided under 23 USC and 49 USC 53.

OahuMPO actions will include:

- Identification of planning activities that will encourage involvement by all, including T6/EJ members and stakeholders;
- Budgeting of staff time to update the Title VI/EJ Implementation Plan, and to run Title VI/EJ analyses on required work products

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>

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

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 data and analyses will be in line with HDOT's data collection. This is outlined in HDOT's Title VI Plan Attachment D². The OahuMPO will continue to use a GIS-based T6/EJ analysis that was developed to analyze investment relative to T6/EJ census block groups for projects and programs in the Oahu Regional Transportation Plan (ORTP) and Transportation Improvement Program (TIP). This analysis identifies the concentrations of T6/EJ census block groups, separating the island's population into "EJ Area" and "non-EJ Area." The analysis 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 disadvantaged and low-income populations. It will continue to look out for new data analytics, explore reasonable use of available secondary data, and work to be innovative in measuring equity.

VI. Staff Training

Key training for the Title VI will be coordinated with HDOT. As part of their orientation, all new Policy Board members, advisory committee members, and OahuMPO employees will be informed of this Plan and OahuMPO's T6/EJ 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.³ The OahuMPO staff will engage in periodic self-assessment, formally and informally, to identify competency gaps and solutions, distinguishing what can be

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

³ For examples, see 1) <http://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/>

solved through training and non-training methods. Opportunities for training will be proactively sought as part of the effort to continuously improve compliance.

VII. 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,⁴ complaints received by the OahuMPO will be guided by the procedures that are outlined in Attachment 3.

Title VI complaints will be included in OahuMPO's annual report and cover the following information:

1. Item (complaint, investigation or lawsuit)
2. Date Filed (month, day, and year)
3. Summary (basis of complaint (race, color, national origin, or others))
4. Status of complaint
5. Action(s) taken

VIII. 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:

- Notifying the public of their rights Under Title VI in vital documents, office, meeting places, and website (see Attachment 5);
- Disseminating public notice of meeting agendas 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);
- Including agencies and organizations that represent low income, minority, and disabled populations in OahuMPO notification lists;
- Evaluating Title VI and Environmental Justice efforts to ensure the effectiveness of information dissemination and other elements of public participation;
- Providing procedures and forms for filing out 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

⁴ See page 35 of the HDOT Title VI plan in <https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf>

- Upon request, making all OahuMPO work products and documents available in alternative formats (e.g. large type and languages other than English).

IX. Public Participation Plan

The OahuMPO maintains and updates a Public Participation Plan (PPP).⁵ 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 the 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 own public involvement methods and processes that meet Federal requirements; and
- Identifies 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:

- 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.

X. 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.

⁵ The current OahuMPO's PPP is posted on <https://www.oahumpo.org/plans-and-programs/public-participation-plan/>

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 implementation. An outline of this report is based on the HDOT Title VI Plan⁶ and is presented in Attachment 7.

XI. Limited English Proficiency

An OahuMPO Language Access Plan, aligned with the HDOT Language Access Plan⁷, 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.

XII. 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.

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

XIV. 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

⁶ See page 31 in <https://hidot.hawaii.gov/administration/files/2019/02/FHWA-2019-TITLEVI-PROGRAM-PLAN.pdf>

⁷ See Page 45 in the above link.

neighborhood boards is dated 2000.⁸ 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.

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

⁵ See Demographic Characteristics of Neighborhood Boards 2000 in <http://www.honolulu.gov/Portals/0/pdfs/planning/demographics2/2000/GeneralCharacteristics/2000-NA.pdf>

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.

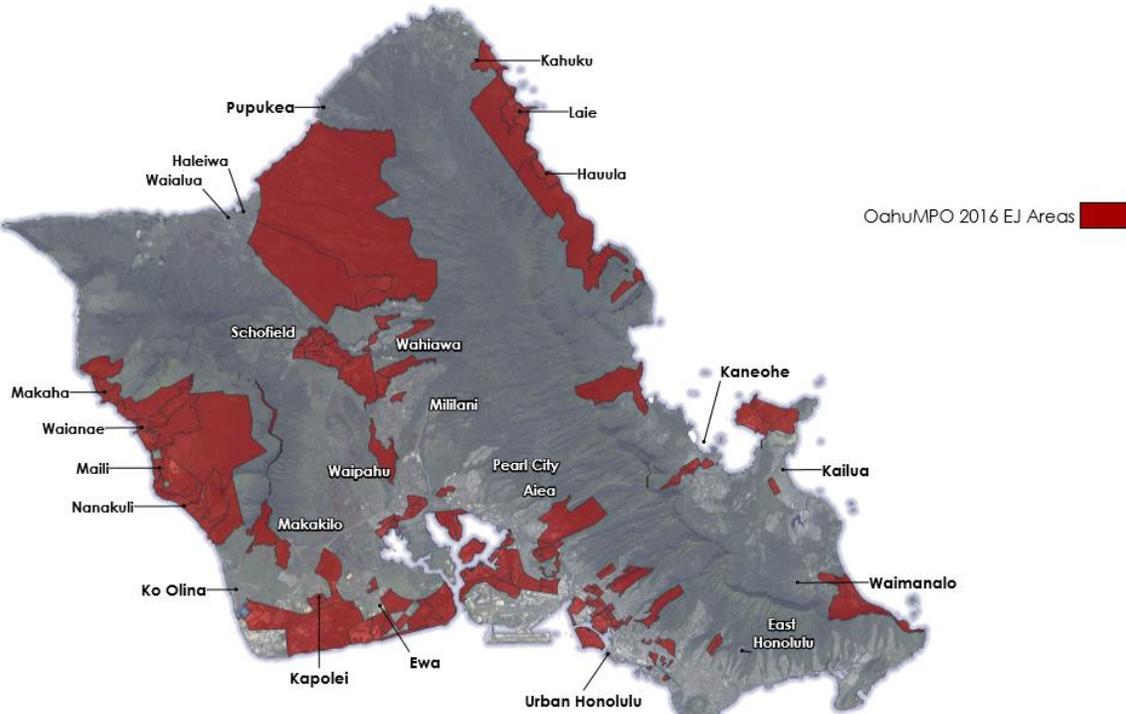
Phase 1 Public Involvement for the ORTP 2045, between January to May 2019, served as opportunities to pop up where the OahuMPO could meet more leaders and members of minority groups. These contacts served as building relationships to encourage participation by minorities.

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

OahuMPO 2016 Environmental Justice Areas



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 the 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

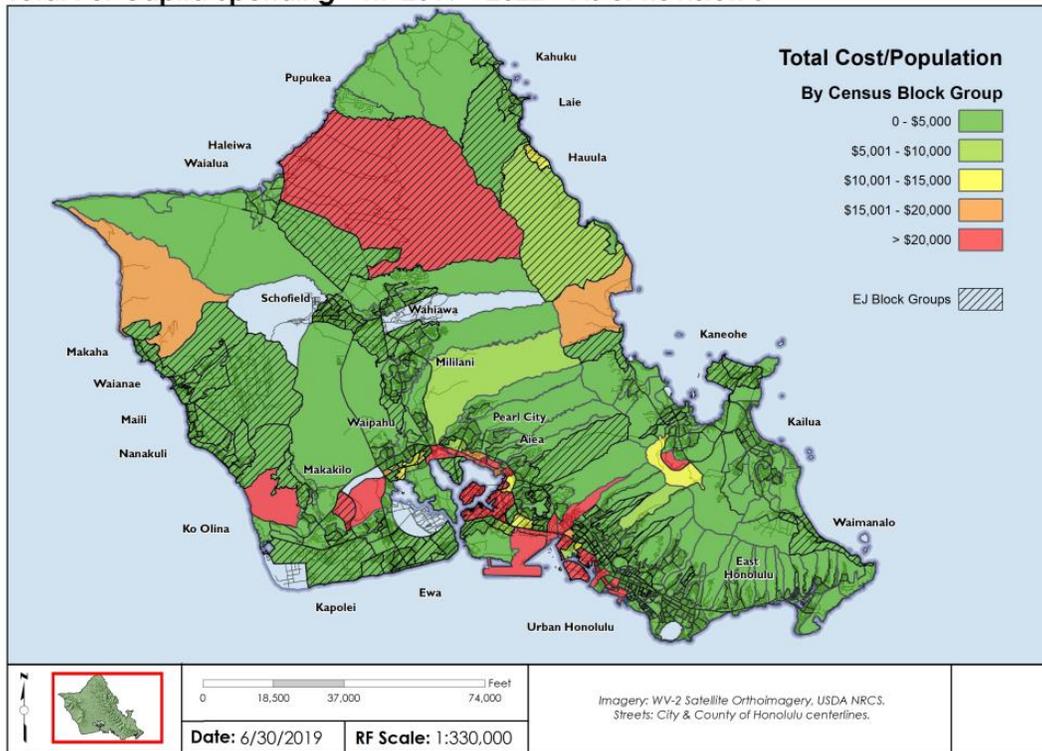
households, the homeless, limited English proficiency population, various ethnic groups, transportation-disadvantaged, single-parent households, Native Hawaiians, ADA, elderly, children, and university students. Members from some of these categories were asked about appropriate events and venues for 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 populations.

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 the Transportation Improvement Program for FFYs 2019-2022. It covers all projects and changes as of revision 6.

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



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

D. Analysis of the MPO’s transportation system investment that identifies and addresses any disparate impacts.

Based on the FFYs 2019-2022 TIP, all FTA projects therein are island-wide except for the Honolulu Rail Project.⁹

⁹ 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

A handwritten signature in black ink, appearing to read "Alvin Au", is written over a horizontal blue line.

Date

SEPTEMBER 30, 2020

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 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 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, 2020

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 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 no later 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 to 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 _____		

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 Outline¹⁰

- 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

¹⁰ Further details in HDOT Plan Attachment B- Format for Annual Accomplishment Report, page 31

Attachment 8

OahuMPO Language Access Plan¹¹

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

¹¹ Adopted from HDOT Plan Attachment E

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 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)**

Minutes of the
Oahu Metropolitan Planning Organization

POLICY BOARD

Tuesday, September 24, 2019
Honolulu Authority for Rapid Transportation (HART) Board Room #150
1099 Alakea Street
Honolulu, HI 96813

Members Present:

Representative Henry Aquino	Senator Karl Rhoads
HDOT Deputy Director Lynn Araki-Regan	DPP Acting Director Kathy Sokugawa
HART Director of Planning, Environmental Compliance & Sustainable Mobility Ryan Tam	DOH Primary Prevention Branch Manager Heidi Hansen-Smith
DTS Branch Chief Mark Au	FHWA Assistant Division Administrator Richelle Takara
OP Planning Program Administrator Rodney Funakoshi	

Member(s) Absent:

Councilmember Brandon Elefante, Chair, Breene Harimoto, Representative Ryan Yamane, Councilmember Joey Manahan, Councilmember Kymberly Pine

Guests Present:

Dion Mesta (Clmbr Elefante's Office)	Randall Landry (HDOT)
Marian Yasuda (DTS)	Adriana Windham (FHWA)
Crystal Van Beelan (DEM)	Andy Yamaguchi (DPP)
Amy Ford-Wagner (FHWA)	Chris Sayers (DTS)
Virginia Sosh (DTS)	Michelle O'Connell (FHWA)
Dylan Whitsell (Clmbr Manahan's Office)	Chris CJ Johnson (DTS)
John Hagihara (HHF)	Kathleen Rooney (Ulupono)

OahuMPO Staff Present: Alvin Au, Roni Schack, Joel Vincent, Carolyn Weygan-Hildebrand, Nicki Smith, Nicole Cernohorsky, Kiana Otsuka, and Randolph Sykes.

I. CALL TO ORDER

Executive Director Alvin Au called the meeting to order at 1:10 p.m. Since both the Policy Board Chair and Vice Chair were not present, nominations and a vote were taken to elect a pro tempore Chair for this meeting. DTS Branch Chief Mark Au was elected.

II. ROLL CALL

The Policy Board members introduced themselves.

III. APPROVAL OF AUGUST 27, 2019 MEETING MINUTES

A motion was made by Senator Rhoads and seconded by Deputy Director Araki-Regan to approve the minutes as presented. There were no further discussions, objections, or abstentions and Chair Au declared the minutes approved as presented.

IV. Reports

A. Executive Director

Executive Director Alvin Au advised the Policy Board that the Senior Transportation Planner recruitment is continuing, that recruitment has begun for a replacement Transportation Intern, and that Randolph Sykes has rejoined OahuMPO and will be working on special projects such as the 5-year Strategic Plan. He reported that the Central Oahu Transportation Study Draft report has been released for public and intergovernmental review and is available for comments through October 7, 2019. Other items noted were the completion of the Accounting Procedures document, that an update on the Certification Review Implementation Plan will be presented to the Policy Board and the Technical Advisory Committee (TAC) in the last quarter of 2019, and the FY2021 Overall Work Program Call-for-Projects will be underway by the end of October. Executive Director Au also summarized the business covered at the September 16, 2019 TAC meeting and the September 18, 2019 Citizen Advisory Committee (CAC).

In response to Pro Tem Chair Mark Au's question if the Executive Director Report item #5 regarding the Certification Review Implementation Plan is related to the September 24, 2019 meeting's agenda item *VI.E Discussion on Establishing a Process to Evaluate the OahuMPO Executive Director*, Executive Director Au noted it is related and that Chair Elefante who was unable to attend this meeting, requested the agenda item be postponed to next month's meeting.

The Executive Director's Report may be viewed at: https://www.oahumpo.org/?wpfb_dl=1744

B. Technical Advisory Committee (TAC)

TAC Chair Marian Yasuda presented a summary of the TAC's September 16, 2019 meeting noting that the TAC provided suggestions for the OahuMPO Vision Zero Resolution. She also indicated the TAC received the presentations on the Oahu Coastal Communities Evacuation Planning project and the Oahu Bike Plan Update and did vote to recommend to the Policy Board that the Policy Board accept the studies and direct OahuMPO to use the studies' recommendations in the OahuMPO's planning process.

C. Citizens Advisory Committee (CAC)

There was no report from the CAC.

V. Old Business

There was no Old Business.

VI. New Business

A. OahuMPO Vision Zero Policy

Kiana Otsuka, OahuMPO Transportation Planner introduced the Vision Zero concept, its purpose & priorities; deaths, injury, financial cost, and driver profile data related to crashes; and OahuMPO's draft resolution and its purpose to align with existing City & County and State policy.

There was discussion on how the Vision Zero concept will be integrated into OahuMPO's processes; how ideally the resolution should reflect that safety has always been a concern so Vision Zero is an increase of attention being devoted to this issue; that HDOT in conjunction with its partners including City & County and other community organizations have developed a Strategic Highway Safety Plan; on clarifying some of the resolution's language; that a schedule for formal submission of comments is in development; that goals should be specified in the resolution; if other MPOs around the nation have adopted similar policies; and if OahuMPO's Zero Policy will reflect changes that occur in the City and State's Vision Zero policies.

A member of the public commented that the Hillsborough MPO in Florida has adopted a Vision Zero policy.

B. Overall Work Program (OWP) Work Element: Oahu Coastal Communities Evacuation Planning

Crystal Van Beelen, Disaster Preparedness Officer with the Department of Emergency Management, introduced the study and its objectives, discussed key terms like Tsunami Evacuation Zone (TEZ) and Safe Sites (SS). Ms. Van Beelen stated that the Phase 2 project included the coastal areas between Hanauma Bay and Waipahu. The project was broken up into six tasks including an analysis of tsunami inundation zones, possible evacuation routes, identification of safe sites and the development of signage to facilitate evacuation.

There was discussion on existing plans to enhance the current evacuation shelters for high wind disasters, that current evacuation shelters are usually Department of Education school classrooms, the parameters used for the warning systems, that written alternate language outreach information is available in thirteen languages and Department of Emergency Management has working partnerships with various foreign language radio stations, the dangers of distance tsunamis vs. locally generated tsunamis, that wave energy vs. wave height is the critical danger factor, and the methods existing and being developed to create public awareness of tsunami evacuation.

A motion was made by Lynn Araki-Regan and seconded by Senator Rhoads that the *Policy Board accept as evidence that the work was carried out and direct staff to use the study recommendations in the OahuMPO's planning processes.*

There was discussion on the purpose of the OWP work element presentations as a best practice, alternate methods that could be utilized for the closing of completed projects, and how the Board would be able to determine if study recommendations are incorporated into the OahuMPO's planning process.

Based on the discussion, the original motion was withdrawn from the floor by Lynn Araki-Regan and Kathy Sokugawa made a new motion that the Policy Board accept as evidence that the work was carried out and direct staff to use the study recommendations in the OahuMPO's planning processes by delineating the applicability in future funding applications. The motion was seconded by Senator Rhoads. There was no further discussion, opposition, or abstentions and the motion was passed.

Ms. Sokugawa was thanked by a member of the public for clarifying how the project results will be used.

C. Work Program (OWP) Work Element: Oahu Bike Plan Update

Chris Sayers, Bicycle Coordinator with the City & County Department of Transportation Services, and John Hagihara with HHF Planners presented the update to the Oahu Bike Plan. Mr. Sayers noted the correlation with the Vision Zero policy, reviewed the update to the Vision and Goals for the Oahu Bike Plan which added "ages and abilities" to the Vision Statement and included a goal that Oahu achieve recognition by the League of American Cyclists as a gold level Bicycle Friendly Community. He also discussed the existing bike network, the different categories of bikeways, achievements made since the 2012 Bike Plan, reasons for investing in bicycling, the public outreach undertaken, the passage of the safe passing law, and adoption of the Complete Streets ordinance. His discussion also included the key recommendations, proposed facility types for bikeways, performance measures, and implementation strategies that resulted from the study.

Mr. Hagihara discussed the analysis of traffic stress, its impact on encouraging or discouraging various populations from bicycling, and the Title VI and Environmental Justice analysis performed in the study.

There was discussion on the hostility of drivers toward bicyclists, laws preventing bicycles on the sidewalks and laws to protect pedestrian safety, and how the Bike Plan addresses other mobility devices such as scooters and electric bicycles.

Senator Rhoads made a motion and was seconded by Kathy Sokugawa that the Policy Board accept as evidence that the work was carried out and direct staff to use the study recommendations in the OahuMPO's planning processes by delineating the applicability in future funding applications. There was no further discussion, opposition, or abstentions and the motion was passed.

D. Title VI/Environmental Justice (T6/EJ) Implementation Plan - Federal Transit Administration Plan (FTA)

Acting Community Planner Carolyn Weygan-Hildebrand introduced the Title VI and Environmental Justice Program Implementation Plan (Plan). She acknowledged Randall Landry of the Hawaii Department of Transportation's Civil Rights Office Title VI Specialist and Adriana Windham, Federal Highway Administration (FHWA) Civil Rights Program Manager. Ms. Weygan-Hildebrand discussed the purpose, background, and the FHWA and FTA regulations that mandate the development of this Plan. She described the key elements and the process that resulted in this Plan, noting that the Executive Director is the Title VI Complaint Officer and emphasized that this Plan is a framework that will be reviewed and revised as needed on an annual basis.

There was discussion on the criteria used and who performs the Title VI disparity impact analysis, on zero-car households; that per capita spending referred to in the Plan's demographic maps is based on census tracts; if subrecipients are required to develop their own T6/EJ plans; and that complaints may be directly brought to FTA and FHWA as well as to OahuMPO and the Civil Rights Office.

Lynn Araki-Regan made a motion which was seconded by Kathy Sokugawa to approve the 2019 OahuMPO Title VI/Environmental Justice Program Implementation Plan, incorporating the suggestions made at this meeting. There was no further discussion, abstentions, or opposition and the motion was passed.

E. Discussion on Establishing a Process to Evaluate the OahuMPO Executive Director

This agenda item was postponed to a future meeting when Chair Elefante, who would be leading this discussion, will be in attendance.

VII. Invitation to interested members of the public to be heard on matters not included on the agenda

There were no comments.

VIII. Announcements

Lynn Araki-Regan announced that she had attended a Census 2020 presentation, stressed its importance in determining the amount of federal funding that Hawaii receives, and stated her willingness to help if OahuMPO would like a presentation.

IX. Adjournment

Pro Tem Chair Mark Au adjourned the meeting at 3:12 pm.

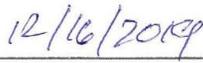
IX. Adjournment

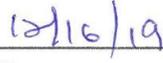
Pro Tem Chair Mark Au adjourned the meeting at 3:12 pm.



PB Chair Brandon Elefante


PB Secretary Roni Schack



Date


Date

The presentations from this meeting may be viewed at https://www.oahumpo.org/?wpfb_dl=1745