

**Hawaii Department of Transportation**  
**Title VI Civil Rights Complaint Procedures for**  
**FHWA/ FMCSA Funded Programs**

I. HDOT External Complaint Procedures for Federal Highway Administration/Federal Motor Carrier Safety Administration (FHWA/FMCSA) Assisted Programs and Activities

These procedures cover external complaints for FHWA/FMCSA assisted programs or activities based on Title VI of the Civil Rights Act of 1964. These complaints cover discrimination based on race, color, national origin, sex, disability, age, environmental justice or language access.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination (FHWA, FMCSA, USDOT USDOTJ).

II. Procedures

1. Any person or persons believing they have been subjected to discrimination based on Title VI of the Civil Rights Act of 1964, Exec. Order 13166 or Exec. Order 12898 may file a written complaint with HDOT's Office of Civil Rights (OCR), 200 Rodgers Blvd., Honolulu, Hawaii, 96819.
2. A formal complaint must be filed within 180 calendar days of the date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of contact, the date of the latest instance of the conduct. 49 CFR 21.11(b).
3. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s). The complaint shall be delivered by mail or in person to the Office of Civil Rights (address above). Faxed or emailed complaints shall be followed up by hard copy complaints with original signatures.
  - b. Limited English Proficient (LEP) Complainants needing assistance with Complaint Procedures or with the Complaint Form may request translation or interpretive service without charge.
  - c. Provide the date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the latest date of the discriminatory action;
  - d. Provide a detailed description of the issues including names and job title of those individuals perceived as parties in the discrimination.
  - e. Complaints that cannot be written should be reduced to writing and provided to the complainant(s) for confirmation and signature before actual submission.

4. Upon receipt of the complaint, OCR will determine its jurisdiction, acceptability or need for additional information before initiating its own investigation. In cases where the complaint is related to transit or airports activities within HDOT's jurisdiction, the case will be investigation pursuant to FTA or FAA requirements, as applicable.
5. Acceptance of a complaint will be determined by:
  - a. Whether the complaint is timely filed;
  - b. Whether the allegations involved a covered basis such as race, color, national origin, sex, disability, age, language access, or environmental justice.
  - c. Whether the allegations involve a program or activity of a federal aid recipient, subrecipient, or contractor;
  - d. Whether the complaint is beyond the administrative authority of HDOT.
6. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint;
  - b. The complainant fails to respond to repeated requests for additional information necessary to process the complaint, or otherwise fails or refuses to cooperate in the investigation.
  - c. The complainant cannot be located after reasonable attempts to contact such person(s).
7. OCR has sole authority for accepting complaints for investigation. Within ten (10) business days of receipt of the complaint, OCR will acknowledge its receipt to the parties as well as the course of action on the complaint. The course of action may include acceptance of the complaint for investigation, request for additional information or rejection of the complaint. The complaint will receive a case number and be logged into the OCR's complaint records identifying its basis, and the alleged discrimination.
8. All such complaints shall also be forwarded to the FHWA/FMCSA for review.
9. In cases where HDOT assumes investigation of the complaint, OCR will provide the respondent the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of OCR's written notification of acceptance of the complaint to furnish his/her response to the allegations.
10. Within ninety (90) calendar days of the acceptance of the complaint, the HDOT investigator will prepare a draft investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
11. The draft investigative report shall be reviewed and finalized by the OCR Supervisor, and HDOT Director.
12. The final report shall be provided to the parties, and a copy sent to the FHWA/FMCSA and to the Office of the Attorney General.
13. Any complainant dissatisfied with the decision of HDOT will be notified of further appeal rights under Title VI and the U.S. Department of Transportation.