

2021-2022 Title VI Program Plan
Federal Aviation Administration (FAA)

Completed on Behalf of the Airports of Hawaii, Managed by the Hawaii
Department of Transportation

December 2021

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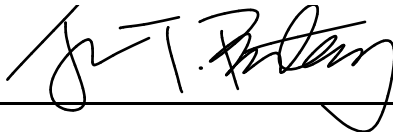
Policy Statement

The Hawaii Department of Transportation assures that no person shall on the grounds of race, color, national origin, age, sex or creed as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and Section 520 of the Airport and Airway Improvement Act of 1982 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Hawaii Department of Transportation further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. Anytime communities may be impacted by programs or activities every effort will be made to involve their leaders and the general public in the decision-making process. Awards of contracting, concessionaires, and leases are made without regard for race, color, national origin, sex or creed.

The Hawaii Department of Transportation requires Title VI assurances from each tenant, contractor, and concessionaire providing an activity, service or facility at the airport under lease, contract or franchise from the airport. The Hawaii Department of Transportation also requires that such tenants, contractors, and concessionaires require Title VI assurances of their subcontractors.

Randall Landry, Title VI Program Specialist, is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 49 CFR 21. In the event that the Title VI Program Specialist position is vacant, responsibility for Title VI Program Coordination will be managed by the Civil Rights Coordinator for Hawaii Department of Transportation.

Approved: _____



JADE T. BUTAY
Director of Transportation

Dec 9, 2021

DATE

Executive Summary

The Hawaii Department of Transportation (HDOT) oversees all public use airports within the state of Hawaii. From the Daniel K. Inouye International Airport, the largest airport in the State and one of the busiest in the United States by cargo and passenger volume,¹ to the airports in the counties of Maui, Hawaii, and Kauai, the Hawaii Department of Transportation engages in many aspects of airport management and operations. To this end, the HDOT wishes to ensure that all aspects of civil rights are promoted and protected throughout HDOT-run programs, operations, and services.

For purposes of Title VI Compliance, this plan covers the following airports under the purview and administration of the State of Hawaii Department of Transportation:

- Large and Medium Hub Primary Airports – Daniel K. Inouye International Airport (Large) and Kahului Airport (Medium)
- Small Hub Primary Airports – Hilo International Airport, Ellison Onizuka Kona International Airport at Keahole, and Lihue Airport
- Small Hub Nonprimary Airports – Molokai Airport and Lanai Airport
- Other Airports/Airfields – Kalaeloa Airport, Port Allen Airport, Hana Airport, Kapalua Airport, Kalaupapa Airport, Upolu Airport, Waimea-Kohala Airport, and Dillingham Airfield

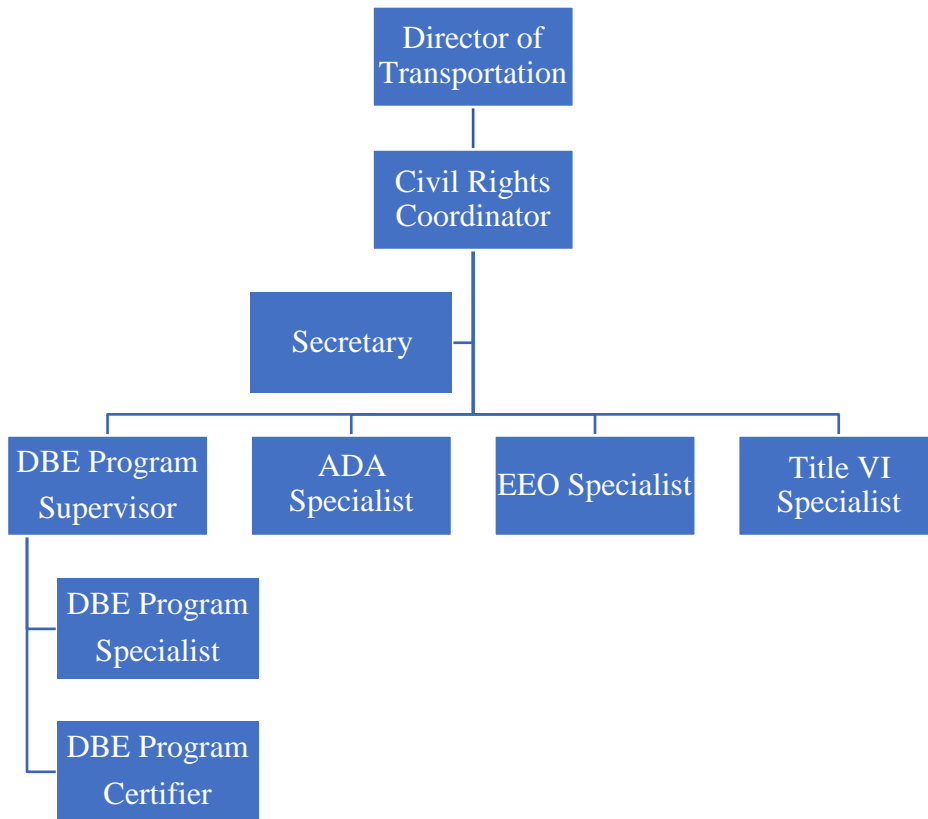
Administration

The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other required responsibilities.

In addition, the following programs maintain a Title VI liaison responsible for coordinating Title VI information, data, and notices related to the program: Hawaii Department of Transportation – Airports Division.

¹ Ranked 30th in 2017 for commercial passengers in North America and 17th for Cargo (Freight & Mail) in Metric Tonnes. https://airportscouncil.org/wp-content/uploads/2018/10/nam2017_top_50.xlsx

Organizational Chart



Title VI Coordinator Responsibilities

The Title VI Coordinator role is established for the position of HDOT Title VI Program Specialist for handling all HDOT divisions and functions. The Title VI Coordinator has direct access to the Director of HDOT for all Title VI-related concerns. Furthermore, the HDOT Civil Rights Coordinator, in the event that the Title VI Program Specialist position is unfulfilled, will fulfill any and all relevant Title VI coordination and compliance until the Title VI Program Specialist position is filled on a permanent basis. Following the above, the roles and responsibilities for the HDOT Title VI Coordinator for the airports are as follows:

- Ensure that all who travel through the airports are aware of Title VI rights and responsibilities through various means;
- Establish Title VI and related complaint procedures and perform investigations related to Title VI and any other applicable laws as complaints arise;
- Train HDOT staff, lessees, concessionaires, and any and all other applicable personnel in Title VI compliance and requirements;
- Perform and document periodic, randomized compliance reviews for Title VI compliance of HDOT Airports branches, lessees, concessionaires, and any and all other applicable organizations (contractors and grant subrecipients) in Title VI compliance and requirements;
- Perform business outreach to minority and/or women-owned businesses (in tandem with the HDOT Disadvantaged Business Enterprise program as available);
- Ensure language access as part of the role of language access coordinator pursuant to E.O. 13166 and §321C, Hawaii Revised Statutes;
- Ensure that all HDOT airport-related contracts and leases contain the relevant civil rights provisions as required and;
- Any other Title VI-related responsibilities as required by Federal or state statute, regulation, or policy.

Title VI Training Regimen

HDOT, Office of Civil Rights (OCR) anticipates that an overall training program to be put in place and usable by HDOT Airports employees, lessees, concessionaires, etc., by or before September 30, 2022. The impact of the COVID-19 pandemic and uneven distribution of online resources have contributed to difficulties in implementing a uniform training program. This training program will also incorporate education on contractual requirements, language access and Limited English Proficiency policy.

Training refreshers will be promoted on a bi-annual basis. HDOT OCR envisions that the training program will be online and accessible to Airports employees, lessees, concessionaires, etc., given that in-person training for all personnel and contractors as

is required by FAA Title VI guidance is not cost-effective or practical in an island-only state such as Hawaii. Training will be provided either via the Title VI Coordinator through Microsoft Teams or (for employees) through a Statewide Learning Management System (LMS) hosted by the State Department of Human Resources Division.

Title VI Compliance Reviews

Pursuant to USDOT and FAA guidance on the matter, HDOT OCR, via the Title VI Program Specialist, will conduct periodic compliance reviews for Title VI compliance of applicable HDOT Airports branches, lessees, concessionaires, and any and all other applicable organizations (contractors and grant subrecipients). Said compliance reviews will take the form of in-person or remote desk reviews, with a checklist provided to the reviewee to be completed and accompanying documentation requested to demonstrate compliance (see Attachment F).

Title VI Notice and 49 CFR Part 21 Reference Location Listing

The Title VI Non-Discrimination Notice (Sample located as Attachment B, below) is located at the following airport locations:

Daniel K. Inouye International Airport	Kahului Airport	Hilo International Airport	Lanai Airport	Waimea – Kohala Airport
Title VI Non-Discrimination Notice Locations				
International Arrivals – VIP Kiosk (I-3)	VIP Booth at rotunda (top of main exit)	VIP Booth baggage claim C/D	Bulletin board	“Central” lobby area
Baggage Claim E VIP Booth (Terminal 2)	VIP baggage claim 3 and 4	VIP Booth baggage centralized location (by TSA checkpoint, across from restaurant)	By ticket/check-in counter	
Baggage Claim F VIP Booth (Terminal 2)				
Baggage Claim G VIP Booth (Terminal 2)				
Baggage Claim H-4 VIP Booth (Terminal 2)				
Baggage Claim H-1 VIP Booth (Terminal 2)				
Inter-Island Terminal Baggage Claim B VIP Booth (Terminal 1)				
Inter-Island Terminal Baggage Claim C VIP Booth (Terminal 1)				

Inter-Island Terminal VIP Booth in front of Burger King (Terminal 1, Post- Security)				
Main Lobby Checkpoint 3 VIP Booth				
Main Lobby Diamond Head (East) VIP Booth				
Main Lobby Ewa (West) VIP Booth				
Central "Y" Concourse VIP Booth				
Commuter Terminal Baggage Claim (Center of area, to right of payphones)				
Commuter Terminal Holding Room (Column/Pillar after TSA checkpoint, first column/pillar in line with restrooms)				

The Title VI Notice and a separate notice for language access requests are displayed via terminal television screens on a regular loop as well. The 49 CFR Part 21 Reference Book will be available at the HDOT Airports District Office in the Daniel K. Inouye Airport on request.

Minority and Women-Owned Business Outreach

While a majority of the business outreach currently performed by HDOT in the airport field is focused around promotion of the Disadvantaged Business Enterprise (DBE) and Airport Concessionaire Disadvantaged Business Enterprise (ACDBE), greater efforts to promote general business outreach and support to minority and women-owned businesses *not* certified as DBEs/ACDBEs is occurring. The following events will be promoting more generalized outreach to minority and women-owned businesses in calendar year 2020/State Fiscal Year 2021:

- Airport Rental Car Supplier Diversity Outreach Day – Expected 2022, 2021 Event cancelled due to lack of interest from potential participants in light of the impact from COVID-19.
- Other events as scheduling and impact from COVID-19 warrants.

Further events for minority and women-owned business outreach will be forthcoming starting in 4th Quarter 2021 and into 2022, subject to availability and scheduling/logistics concerns in light of social distancing policies due to the COVID-19 pandemic. Outreach for said events will be via the HDOT Office of Civil Rights website and email distribution lists. HDOT has completed a disparity study in furtherance of HDOT's DBE and ACDBE programs in March 2020, to better understand the availability of minority- and women-owned businesses (MBE/WBE), and to determine appropriate goals for the Federally-funded contracts under HDOT's oversight, current draft results show that 57 percent of available businesses are MBEs or WBEs.² Furthermore, "[u]tilization of minority- and women-owned firms exceeded what might be expected from the availability analysis for FAA-funded contracts."³ The completion of the disparity study will assist the HDOT in potential implementation of a Small Business Enterprise program that will allow for greater overall promotion and outreach to minority and women-owned businesses, separated from DBE contractual goals and requirements.⁴

² *Hawaii Department of Transportation 2019 Availability and Disparity Study – Final Executive Summary* (hereafter Final Executive Summary), page 3, Keen Independent Research, found at:

https://hidot.hawaii.gov/administration/files/2020/02/KeenIndependent_HDOT_AvailabilityAndDisparityStudy_DraftExecSummary02102020.pdf

³ *Ibid.*, page 8. The final executive summary does note, however, there are disparities for minority and women-owned businesses that were not owned by Asian-Pacific Americans, Native Hawaiians or Pacific Islanders.

⁴ See Final Executive Summary, pages 8-9, which also notes the differences in targeting outreach and operation of business opportunity programming given the demographic differences of the State of Hawaii as compared to the continental United States.

Limited English Proficiency (LEP) Four-Factor Analysis

This section primarily addresses the methodology taken when performing four-factor analysis for airport operations. The principles of four-factor analysis, as set forth by the U.S. Department of Justice,⁵ will not be addressed in detail here. Rather, this section is to be considered a supplement to the overall HDOT Language Access Plan for 2019,⁶ in order to clarify understanding as to how language access concerns are addressed and resolved.

The LEP Four-Factor Analysis is set forth as follows (and determines actions to be taken when addressing LEP concerns with regard to program management, policy, etc.):

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity or service;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to members of the public; and
4. The resources available to the recipient (in this case, the Airport Sponsor), and costs.

LEP four-factor methodology is delineated as followed:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity or service:

Per the most recent demographic data available,⁷ the following languages are noted to be significant (statewide, and then by county, with all data taken from that provided in the Department of Business, Economic Development & Tourism *Non-English Speaking Population in Hawaii Report*, page 8):

⁵ As set forth in *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 FR 41455.

⁶ The HDOT Language Access Plan may be accessed at:

<https://hidot.hawaii.gov/administration/files/2016/04/language-access-plan.pdf>. This Language Access Plan is the determinative guidance for all HDOT functions and activities.

⁷ Per *Non-English Speaking Population in Hawaii Report*, created and provided by the State of Hawaii Department of Business, Economic Development & Tourism, found at:

http://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf.

Language spoken at home	Number of persons aged 5 and older who spoke the language	Percentage in total non-English speaking population	Ability to speak English of the language speakers		
			“very well”	“well”	“not well” or “not at all”
Statewide					
All non-English languages	329,900	100.0%	50.8%	30.8%	18.4%
Ilocano	58,000	17.6%	39.4%	36.7%	23.9%
Tagalog	58,000	17.6%	50.1%	36.3%	13.6%
Japanese	45,500	13.8%	52.8%	29.6%	17.6%
Chinese*	29,600	9.0%	35.9%	27.5%	36.6%
Spanish	26,200	8.0%	72.7%	21.2%	6.1%
Hawaiian	18,400	5.6%	81.7%	17.0%	1.2%
Korean	17,800	5.4%	30.6%	36.6%	32.8%
Samoan	12,300	3.7%	62.0%	31.2%	6.9%
Vietnamese	9,400	2.9%	32.5%	28.1%	39.4%
German	4,700	1.4%	83.9%	14.7%	1.4%
Other non-English languages	49,900	15.1%	53.9%	30.7%	15.4%
Honolulu County					
All non-English languages	250,400	100.0%	47.7%	32.1%	20.2%
Tagalog	44,700	17.8%	48.9%	37.7%	13.5%
Japanese	38,700	15.5%	50.1%	31.0%	18.9%
Ilocano	37,500	15.0%	36.4%	38.6%	25.0%
Chinese*	28,700	11.5%	35.3%	27.7%	37.1%
Spanish	17,700	7.1%	71.7%	23.5%	4.9%
Other non-English languages	83,000	33.2%	50.3%	30.1%	19.6%
Hawaii County					
All non-English languages	32,200	100.0%	67.8%	21.7%	10.5%
Hawaiian	5,000	15.5%	84.3%	14.5%	1.2%
Tagalog	4,800	14.9%	50.7%	34.5%	14.8%
Ilocano	4,600	14.3%	48.6%	30.6%	20.7%
Japanese	4,000	12.4%	72.5%	16.9%	10.6%
Spanish	3,900	12.0%	79.5%	12.3%	8.2%
Other non-English languages	9,900	30.9%	70.1%	20.7%	9.2%
Maui & Kauai County					
All non-English languages	47,300	100.0%	55.7%	30.1%	14.2%
Ilocano	15,900	33.7%	43.9%	33.8%	22.3%
Tagalog	8,500	17.9%	56.3%	30.0%	13.7%
Spanish	4,600	9.8%	71.2%	19.8%	9.0%
Hawaiian	3,500	7.3%	83.5%	13.9%	2.7%
Japanese	2,800	5.9%	61.1%	28.7%	10.1%
Other non-English languages	12,000	25.4%	55.7%	34.2%	10.1%

Source: Estimates by DBDEDT based on Public Use Microdata Sample of the 2010-2014 5 year ACS

*Chinese includes Mandarin, Cantonese and other Chinese languages

With regards to the above and #1 of the four-factor analysis, prevalent languages meriting attention include: Ilocano, Tagalog, Japanese, Chinese (spoken: Mandarin, Cantonese, written: Simplified, Traditional), Spanish, Hawaiian, Korean, Samoan, and Vietnamese. Given the importance of public outreach to, and participation of, the respective Micronesian-language and Tongan communities, the significance of providing language access shall extend to these languages as well. In addition, upon review of appropriate United States Census data,¹ the above-noted languages are confirmed as appropriate for meriting attention.

2. The frequency with which LEP individuals come in contact with the program:

HDOT understands that the provision of state demographic data in factor #1, above, is not necessarily fully reflective of those who use and frequent the airports in the state of Hawaii and will continue to pursue further demographic data collection and outreach to better understand the needs of those using and frequenting said airports. This will include documenting when LEP individuals request for interpretation for provided services or translation of documents.

Upon receipt of request for language access, either in the form of a request for interpretation or a request for translation of a document vital to use of program, services, or activities at the airport by the public, the HDOT employee shall notify appropriate managerial personnel of the request and take appropriate action to meet the request for language access.

3. The nature and importance of the program, activity or service provided by the airport sponsor (HDOT) to members of the public:

This factor of the analysis will be contextually dependent on the provision of services or documents and the vital nature of those services or documents to use by the public (including what is indicated in airport geographical context and in Factor 2, above). However, regardless of the contextual details, the following procedures will apply:

1. In the event that an HDOT employee is approached by an LEP individual requesting language access services, said employee will contact the appropriate manager or supervisor in order to relay the request for language access and ensure that it is addressed promptly.
2. The appropriate manager/supervisor will use the procedures noted in the HDOT Language Access Plan to ensure interpreter access for the individual requesting services. In the event of unavailability, the manager/supervisor will use the bilingual employee listing or other appropriate means (such as enlist the

⁸ U.S. Census Bureau (2015-2019). *Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over American Community Survey 5-year estimates*. Accessed at <https://data.census.gov/cedsci/table?q=0400000US15&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP02>.

volunteer services of an employee who may not be on the listing).

3. In the event that non-HDOT employee individuals that fall under the umbrella of HDOT (contractors, lessees, concessionaires, etc.) are requested for language access services by an LEP individual, the employee will notify their supervisor and take appropriate action to ensure sufficient language access services are provided to the requestor.

4. The resources available to the recipient (HDOT) and costs:

HDOT has limited resources for administration of airport programs (FAA-funded and otherwise). Airports division will require justification of use of resources for language access purposes in the event of request of said services (interpretation or translation needs). Upon justification (via appropriate means, such as through a staff study or other written methods), HDOT will use said funds to provide language access services.

The costs associated with providing language access services will vary depending upon request and provision of said services. The unique nature of airports and the provision of programs, functions, and services that are not necessarily provided in other transportation programs, functions and services by HDOT will necessitate unique costs, financial and otherwise, to ensure language access at airports in the state of Hawaii. HDOT anticipates that, in the rapid and ever-changing nature of activities at the airport, backup services such as the use of bilingual employees via directory or enlisting assistance of lessee/concessionaire/etc. employees will be necessary.

A sample of HDOT's methodology when completing a four-factor analysis for translation of vital documents is included with this program plan as Attachment D.

Attachment A – FAA Standard Title VI Program Assurances

GENERAL CIVIL RIGHTS PROVISIONS⁸

The Contractor agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance.

This provision binds the Contractor and subcontractors from the bid solicitation period through the completion of the contract. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

GENERAL CIVIL RIGHTS PROVISIONS⁹

The (tenant/concessionaire/lessee) agrees to comply with pertinent statutes, Executive Orders and such rules as are promulgated to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. If the (tenant/concessionaire/lessee) transfers its obligation to another, the transferee is obligated in the same manner as the (tenant/concessionaire/lessor).

This provision obligates the (tenant/concessionaire/lessee) for the period during which the property is owned, used or possessed by the (tenant/concessionaire/lessee) and the airport remains obligated to the Federal Aviation Administration. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964.

Title VI Specific Solicitation and Contractual Clauses

Title VI Solicitation Notice:

The (**Name of Sponsor**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this advertisement, [select disadvantaged business enterprises or airport concession 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.

Compliance with Nondiscrimination Requirements:

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 Title VI List of Pertinent Nondiscrimination Acts and Authorities, 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

⁸To be used for all pertinent contracts.

⁹To be used for all pertinent lease agreements or transfer agreements.

subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, 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 Nondiscrimination Acts and Authorities 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 sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities 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 sponsor or the Federal Aviation 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 sponsor will impose such contract sanctions as it or the Federal Aviation 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 sponsor or the Federal Aviation 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 sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

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 the Airport Improvement Program grant assurances.

NOW, THEREFORE, the Federal Aviation Administration as authorized by law and upon the condition that the (*Title of Sponsor*) will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), for the (**Airport Improvement Program or other program for which land is transferred**), and the policies and procedures prescribed by the Federal Aviation Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of

Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (*Title of Sponsor*) all the right, title and interest of the U.S. Department of Transportation/Federal Aviation Administration in and to said lands described in (*Exhibit A attached hereto or other exhibit describing the transferred property*) and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (*Title of Sponsor*) 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 (*Title of Sponsor*), its successors and assigns.

The (*Title of Sponsor*), 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 (*Title of Sponsor*) 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned nondiscrimination 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 Federal Aviation Administration and its assigns as such interest existed prior to this instruction].¹⁰

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
AIRPORT IMPROVEMENT PROGRAM**

The following clauses will be included in (deeds, licenses, leases, permits, or similar instruments) entered into by the (*Title of Sponsor*) pursuant to the provisions of the Airport Improvement Program grant assurances.

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 Federal Aviation Administration 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 Nondiscrimination Acts and

¹⁰ 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.

Regulations listed in the Pertinent List of Nondiscrimination Authorities (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, (*Title of Sponsor*) 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 (*Title of Sponsor*) 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 (*Title of Sponsor*) and its assigns.¹¹

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 (*Title of Sponsor*) pursuant to the provisions of the Airport Improvement Program grant assurances.

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 List of discrimination Acts And Authorities.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, (*Title of Sponsor*) 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 nondiscrimination covenants, (*Title of Sponsor*) will there upon revert to and vest in and become the absolute property of (*Title of Sponsor*) and its assigns.¹²

¹¹ For sections B and C, 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.

¹² For sections B and C, 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.

Title VI List of Pertinent Nondiscrimination Acts and Authorities

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

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 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 USC § 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 of 1990, 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 USC §§ 12131 – 12189) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health 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 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);

Attachment B – Sample of Title VI Non-Discrimination Notice

Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

Coordinator: Randall Landry (Title VI) and Curtis Motoyama (ADA)
Phone: 808-831-7921 (Title VI) / 808-831-7931 (ADA)
Address: 200 Rodgers Blvd., Honolulu, HI 96819
Email: Randall.T.Landry@hawaii.gov / HDOT-TITLEVI@hawaii.gov
Curtis.S.Motoyama@hawaii.gov (for ADA)

Discriminacion Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

Coordinador: Randall Landry (Title VI) y Curtis Motoyama (ADA)
Teléfono: 808-831-7921 (Title VI) / 808-831-7931 (ADA)
Dirección: 200 Rodgers Blvd., Honolulu, HI 96819
Email: Randall.T.Landry@hawaii.gov / HDOT-TITLEVI@hawaii.gov
Curtis.S.Motoyama@hawaii.gov (for ADA)



U.S. Department of Transportation
Federal Aviation Administration

8633-01-0108

Attachment C - Title VI Complaint Procedures for FAA-Funded Programs

These discrimination complaint procedures pertain to FAA assisted programs or activities. 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.

Procedures

A. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex (which includes gender and sexual orientation), or creed, may file a formal complaint with HDOT's Office of Civil Rights at 200 Rodgers Boulevard, Honolulu, Hawaii, 96819. Phone: (808) 831-7921, Fax: (808) 831-7944, Email: HDOT-TITLEVI@hawaii.gov.

Instructions for complaint submittal are explained below. A formal complaint may also be filed directly with the FAA Office of Civil Rights by mail at:

Office of Civil Rights
Federal Aviation Administration
800 Independence Ave. SW, Room 1030
Washington, DC 20591
Phone: (202) 267-3258
Fax: (202) 267-5565

1. 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). The time period for filing may be extended at the discretion of HDOT due to extenuating circumstances beyond the complainant's control.
2. Complainants with Limited English Proficiency needing assistance with Complaint Procedures or with the Complaint Form may request translation or interpretive service without charge.
3. 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 considered "written" for purposes of review. Oral complaints should be reduced to writing by complainant's representative and provided to the complainant(s) for confirmation and signature before actual submission.

B. The complaint should contain the following:

1. Date of the alleged act of discrimination; or date when the complainant(s) became aware of the alleged discrimination.
2. Detailed description of the issues including names and job title of those individuals perceived as parties in the discrimination.

C. Upon receipt of the complaint, OCR will determine its jurisdiction, acceptability or need for additional information before initiating an investigation. In cases where the complaint is related to transit or highway activities within HDOT's jurisdiction, the case will be investigated pursuant to other Federal agency requirements, as applicable.

D. Acceptance of a complaint will be determined by:

1. Whether the complaint is timely filed, or when it is not timely filed, there is justification for filing beyond the 180-day time limit.
2. Whether the allegations involved a covered basis such as race, color, national origin, sex (including gender and sexual orientation), age or creed.
3. Whether the allegations involve a program or activity of a federal aid recipient, subrecipient, or contractor.
4. Whether the complaint is beyond the administrative authority of HDOT.

E. A complaint may be dismissed for the following reasons:

1. The complainant requests the withdrawal of the complaint.
2. 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.
3. The complainant cannot be located after reasonable attempts to contact such person(s).

F. OCR has sole authority for accepting complaints for investigation. Within ten (10) business days of receipt of the complaint, OCR will acknowledge receipt of the complaint 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.

G. All such complaints will also be forwarded to Title VI contacts in the FAA Office of Civil Rights within 15 days of receipt for review and subsequent action at the following address:

Office of Civil Rights
Federal Aviation Administration
800 Independence Ave. SW, Room 1030
Washington, DC 20591
ACR-4-TitleVI@faa.gov

H. HDOT Title VI Specialist will conduct an investigation unless otherwise directed by FAA and will provide the respondent written notification of the opportunity to respond to the allegations. The respondent will have ten (10) calendar days from the date of notification to furnish his/her response to the allegations in a position statement.

I. Within ninety (90) calendar days from the receipt of respondent's position statement, the HDOT investigator will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

J. The investigative report shall be reviewed and finalized by the OCR Civil Rights Coordinator and approved by the HDOT Director.

K. The complainant and respondent shall receive written notification of the investigative findings (i.e. cause or no cause) and a copy of notification shall be forwarded to FAA.

L. Any complainant dissatisfied with the decision of HDOT will be notified of the option to have the HDOT decision reviewed upon request by FAA by filing a separate complaint directly to FAA to review the case under dispute. FAA will then determine what action, if any, shall be taken.

Title VI Complaint Form for Hawaii State Airports

Any person who believes he, she, or they have been subjected to discrimination on the basis of race, creed, color, sex (which includes gender and sexual orientation), age, or national origin in any program, service or activity administered by HDOT, its lessees, concessionaires, subcontractors or other appropriate third-party entity in relationship with the HDOT, has the right to file a complaint with the HDOT.

Complaints must be filed within one-hundred eighty (180) days following the date of the alleged discriminatory occurrence or the date that it is discovered by the complainant that the alleged discrimination occurred, must be in writing, and must be delivered to the HDOT OCR, either by email at HDOT-TITLEVI@hawaii.gov or by mail at:

Hawaii Department of Transportation
Office of Civil Rights
ATTN: Title VI Program Specialist
200 Rodgers Boulevard
Honolulu, HI 96819
Ph #: 808-831-7921

If calling to complain by phone, the complainant **must** supplement the verbal complaint with a written version within 180 days of the alleged discrimination. In the event a written version would not be advantageous to the complainant, an alternative method of documenting the alleged discrimination complaint will be arranged. Filing a complaint with HDOT does not suspend or limit the right of a complainant to file a complaint with the appropriate outside agency, such as the Hawai'i Civil Rights Commission or the Federal Aviation Administration, or to seek private legal counsel regarding discrimination.

Please detail the appropriate information related to the alleged discrimination complaint below:

Race ☐ Color ☐ Sex ☐ Creed ☐ Age ☐ National Origin ☐

Other (Please Detail): _____

Complainant Contact Information:

Name:

Address:

Phone No.: Home _____ Work _____
Other _____

E-Mail Address: _____

Are you filing this complaint on your own behalf? Yes ☐ No ☐

If "No" please provide the name and nature of relationship of the person for whom you are filing this form:

Name: _____ Relationship: _____

Have you previously filed a Title VI complaint with HDOT or a related agency?

Yes ☐ No ☐

If so, please detail which organization: _____

Have you filed a lawsuit regarding this complaint? Yes ☐ No ☐

If you answered "Yes" please provide a copy of the complaint filed with the appropriate court.

Allegation(s) of Discrimination:

Please provide name or names of employee(s), contractor(s), concessionaire(s), lessee(s), tenant(s), or other related party or parties in relationship with HDOT complaint is against. If known, please also provide title or titles:

Contact person: _____ Title: _____

Telephone number: _____ Email: _____

Please describe the details of your complaint below. Please include specific details such as names, dates, times witnesses, and any other relevant information that would assist

HDOT in the investigation of your allegations. Please also provide any other documentation that is relevant to this complaint:

Signature of complainant: _____ Date: _____

Note: Please mail or hand-deliver completed forms to:

**Hawaii Department of Transportation
Office of Civil Rights
200 Rodgers Boulevard
Honolulu, HI 96819**

For assistance with this form, or to obtain a copy, please call 808-831-7921 or email HDOT-TITLEVI@hawaii.gov.

Attachment D – Sample of HDOT Four-Factor Analysis Methodology

I. PROBLEM:¹³

As part of efforts that the HDOT OCR is conducting in order to ensure full and comprehensive compliance with Title VI of the Civil Rights Act of 1964, as well as a response to the Faith Action For Community Equity v. Hawaii Department of Transportation lawsuit, resolved in 2015, HDOT OCR has led efforts to translate the Hawaii State Driver's Manual from the English language to twelve (12) additional languages identified as significant via four-factor analysis. Additionally, Hawaiian is a recognized official language of the State of Hawaii. Those languages include:

- Spanish
- Korean
- Ilocano
- Samoan
- Chuukese
- Simplified Chinese
- Tagalog
- Tongan
- Japanese
- Traditional Chinese
- Vietnamese
- Marshallese

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin (See HDOT Language Access Plan). This would include discrimination against those who are LEP. Executive Order 13166 requires HDOT to improve access to services for LEP individuals in all programs (See HDOT Language Access Plan). Chapter 321-C, sections 3-4, Hawaii Revised Statutes, echo these requirements.

HDOT OCR had contracted in 2017-2018 to have all thirteen (13) of the languages noted above translated for the Hawaii State Driver's Manual, but the vendor was only able to complete translation of the document for Spanish, Japanese, and Korean within the timeframe of the contracted project. Thus, ten (10) languages remain outstanding for translation of the Hawaii State Driver's Manual.

II. FACTORS BEARING ON THE PROBLEM:

A. Four-Factor Analysis

Pursuant to both Presidential Executive Order 13166 and §321C, Hawaii Revised Statutes, the HDOT must perform a Four-Factor Analysis with regards to handling this analysis. HDOT's commitment to the four-factor test is detailed in the Language Access Plan (current as of 2019). When reviewing requests for translation, OCR looks at:

1. The number or proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which limited English proficient persons come in contact with the services, programs, or activities;

¹³ Taken from a staff study presented to the Deputy Director of Administration for HDOT for the translation of the Hawaii State Driver's Manual into ten (10) languages aside from English as presented on September 19, 2019. Please note this example is illustrative of HDOT's four-factor analysis and does not have a pilot license equivalent.

3. The nature and importance of the services, programs, or activities; and
4. The resources available to the State or covered entity and costs.

Factors 1 and 2, based off of available data provided to HDOT OCR, are addressed in B, below. Factors 3 and 4 are addressed in C, below.

B. Language Data and Other Facts

As the accumulated data from 2017 and 2018 will show, there has been a constant demand for State of Hawaii driver's license knowledge tests (the sit-down written portion of the overall driver's license examination process), with the amount of individuals passing the translated exams falling from 2017 to 2018. Please refer to the following table for tests provided, passed, and failed:

Language	2017 Provided	2018 Provided	Percentage Change
Spanish	478	361	-24.48%
Ilocano	62	30	-51.61%
Marshallese	25	29	16%
Chuukese	47	44	-6.38%
Hawaiian	0	0	0%
Simplified Chinese	141	125	-11.35%
Traditional Chinese	312	317	1.6%
Japanese	387	380	-1.81%
Tagalog	160	157	-1.88%
Samoan	19	12	-36.84%
Tongan	35	9	-74.29%
Vietnamese	125	67	-46.4%
Korean	65	42	-35.38%
Total	1856	1573	-15.25%

For tests passed:

Language	2017 Passed	2018 Passed	Percentage Change
Spanish	162	147	-9.26%
Ilocano	9	1	-88.89%
Marshallese	0	3	300%
Chuukese	4	1	-75%
Hawaiian	0	0	0%
Simplified Chinese	96	88	-8.33%
Traditional Chinese	172	182	5.81%
Japanese	326	328	0.61%
Tagalog	24	26	8.33%
Samoan	1	0	-100%
Tongan	1	0	-100%
Vietnamese	56	37	-33.93%

Korean	48	38	-20.83%
Total	899	851	-5.34%

For tests failed:

Language	2017 Failed	2018 Failed	Percentage Change
Spanish	316	214	-32.28%
Ilocano	52	29	-44.23%
Marshallese	26	25	-3.85%
Chuukese	43	44	2.33%
Hawaiian	0	0	0%
Simplified Chinese	58	60	3.45%
Traditional Chinese	126	112	-11.11%
Japanese	58	52	-10.34%
Tagalog	140	131	-6.43%
Samoan	18	12	-33.33%
Tongan	34	9	-73.53%
Vietnamese	68	30	-55.88%
Korean	18	4	-77.78%
Total	957	722	-24.56%

C. Nature and Importance of the Service, Program, or Activity and Cost

As detailed above in the amount of foreign language driver's license knowledge tests requested, passed, and failed, the provision of driver's license knowledge tests in languages other than English is an important activity to both HDOT and the public at large in obtaining a driver's license. However, from what the change in tests requested show, the overall number of test-takers is decreasing for multiple languages. This may be due to frustration with the knowledge test and a lack of resources (such as the Hawaii State Driver's Manual) available for LEP driver's license applicants to use to better understand the rules for driving on the road and thus become better, safer drivers both able to pass the knowledge test successfully and operate a motor vehicle on the road in a more secure manner. More specifically, for those remaining 10 languages, some of the greatest changes can be seen in the data provided above.

With the importance of the first three factors of the four-factor analysis in mind, it must also be noted that the available financial resources for conducting another large-scale translation project may be difficult to allocate and obligate for this current fiscal year, and it would be more prudent, both in terms of availability of budget as well as for the relative need to ensure that languages still receiving larger amounts of requests have associated resources available for promoting and improving road safety knowledge, to focus on targeting the translation of the Hawaii State Driver's Manual on an individual basis determined by requests for driver's license knowledge test and associated need.

III. ALTERNATE SOLUTIONS CONSIDERED: HDOT could choose to not translate the remaining exams. Per current State law and Federal guidance, a translation is not required. However, HDOT could be in violation of its Language Access Plan and §321C, HRS, because of the number of individuals who could possibly request to review a copy of the Hawaii State Driver's Manual in their native languages. Furthermore, HDOT may be open to liability, as established from the Faith Action For Community Equity v. Hawaii Department of Transportation lawsuit above, if further translations are not pursued.

IV. DISCUSSION: As detailed above in II-B, the data of State of Hawaii driver's license knowledge tests reflects a constant non-negligible demand from LEP individuals to obtain driver's licenses in the State of Hawaii. For the 13 languages noted above, HDOT would wish to stress the importance of learning all the proper practices and rules of the road to LEP individuals as much as to English-dominant individuals who wish to drive on Hawaii's roads and highways.

V. CONCLUSION: Having the Hawaii State Driver's Manual translated into the remaining 10 languages identified above is beneficial to the State of Hawaii, continuing the State's commitment to supporting language diversity and ensuring that LEP individuals who seek to driver on the State's highways are aware of the rules of driving a vehicle. The cost is minimal, coverable by appropriate budget allocation as determined, and can be scaled down by language over a longer period of time for this project.

Attachment E – Hawaii Department of Transportation Non-Discrimination Policy and Language Access Policy Statements

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

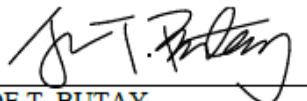
IN REPLY REFER TO:
OCR-T 1.9080

NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the Hawaii Department of Transportation (HDOT) that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the Department or its sub-recipients.

To comply with this policy, civil rights and division staff with civil rights responsibilities must work closely to oversee their shared Title VI nondiscrimination responsibilities. All HDOT employees, including the Director, Deputy Directors, Division Administrators, Program Administrators, Engineering Program Managers, Section Heads of HDOT's major program areas (Planning, Construction and Maintenance, Design, Right-of-Way, and Materials Testing and Research Branch), as well as the Airports Division, Harbors Division, and the Department's sub-recipients will be responsible for making a good faith effort to ensure that this policy is carried out in their respective program areas.

The authority to develop, maintain, implement, and monitor this policy is delegated to the Civil Rights Coordinator.


JADE T. BUTAY
Director of Transportation

Feb 5, 2021
DATE

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAO-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
OCR-T 1.9081

LANGUAGE ACCESS POLICY

The scope of Hawaii's population cannot be described merely through the varied numbers of races, cultures, or languages spoken by individuals. However, taking into account the myriad number of languages spoken, Hawaii's Department of Transportation (HDOT) must ensure that Limited English Proficient (LEP) persons be provided with reasonable access to services and notice of such.

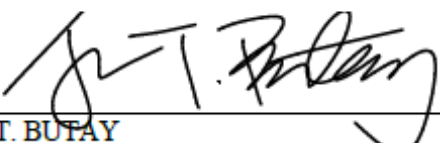
In compliance with Title VI of the Civil Rights Act of 1964, Executive Order 13166 and Hawaii Revised Statutes chapter 321C, HDOT endeavors to provide meaningful access for LEP persons to information and services. LEP persons often find that there are barriers to accessing important services, understanding rights, and complying with required responsibilities.

What constitutes reasonable steps to ensure meaningful access is contingent upon the following factors:

1. The number or proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come into contact with the program;
3. The importance of the service; and
4. The resources available to the Recipient.

In providing services to members of the public, HDOT employees must determine whether the individual seeking HDOT services are LEP. If so, HDOT employees should use the services of the telephone interpretive services available for solicitation via the State Procurement Office or the Bilingual Employee List as tools to provide language assistance. This will assure that HDOT's programs and activities are accessible to persons with limited English proficiency.

APPROVED:


JADE T. BUTAY
Director of Transportation

Feb 5, 2021
DATE

Attachment F - Title VI Compliance Review Checklist for HDOT- Airports Branches, Lessees, Concessionaires, and all other Applicable Contractors or Subrecipients

Pursuant to the Hawaii DOT Title VI Program Plan for the FAA, HDOT OCR will conduct periodic reviews of HDOT Airports branches and airport lessees, concessionaires, and all other applicable contractors or grant subrecipients. For any deficiencies found by OCR review, the appropriate authority within the entity under review will implement a Plan of Action, detailing each deficiency, the corrective action to be implemented, and a due date for when compliance with all deficiencies are corrected.

For purposes of expediency and compliance in light of scheduling, budgetary, and other constraints, this compliance review checklist may be provided to applicable organizations subject to Title VI compliance by HDOT/FAA and completed pursuant to a “desk review” that ensures that organizations subject to compliance with Title VI obligations will ensure continuous improvement efforts in attaining full compliance.

Organization Reviewed:

Date of Review: _____

Individual(s) Interviewed or Completing Desk Review: _____

Additional Participants (If Interviewed): _____

Title VI Compliance Questions	Response
Is the organization under review aware of the Title VI obligations it must meet?	
Has the organization developed or adopted (or has its parent organization developed or adopted) a Title VI Policy if applicable?	
Are Title VI Notices placed visibly in publicly-accessed areas if a public-facing organization? If not public-facing, is a	

Title VI Notice placed for employees in the workplace? (Please provide copy of Notice or photo legibly showing where notice or notices are placed.)	
If the organization under review regularly interacts with the public, are language accessibility options available for LEP customers?	
Was there a need to utilize bilingual advertisements, announcements, notices, etc.? E.g. for public meetings, for notices to the public regarding a change in operations, etc.	
Have there been any formal complaints filed, investigations taken, or lawsuits made in relation to allegations of Title VI noncompliance by other individuals or organizations against your organization in the past year? (If yes, please note summary)	
Are there any other notable accomplishments related to Title VI or language access that the organization under review wishes to note?	

Findings Requiring Corrective Action

Deficiencies Noted	Subrecipient Response/Plan of Action

Additional Notes for Corrective Action Plan:

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