

2024 Title VI Program Plan

Completed on Behalf of the Commercial Harbors of Hawaii, Managed by the
Hawaii Department of Transportation

August 2024

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Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color and national origin in programs and activities that receive federal financial assistance.

The Hawaii Department of Transportation (HDOT) is committed to compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and all related federal statutes, regulations, and Executive Orders. In accordance with these requirements, the HDOT commits to administer its programs, services and program activities without regard to race, color, national origin, sex, age, or disability, including income-level and persons who are Limited English Proficient (LEP) as required by the nondiscrimination provisions of 49 CFR Part 21, 49 CFR Part 25, 49 CFR Part 27, and the DOT Standard Title VI Assurances and Non-Discrimination Provisions. HDOT will take reasonable steps to provide access to its services to people with disabilities and those with Limited English Proficiency (LEP).

HDOT will make every effort to ensure that all its recipients of federal funds comply with the non-discrimination provisions of its Title VI/ADA Program. HDOT further certifies that all its programs will be administered in accordance with these provisions.


Any person who believes that he/she individually or as a group has been subjected to discrimination prohibited by this policy may file a complaint within one hundred and eighty (180) days of the alleged discriminatory conduct. Requests for additional information must be sent to (or complaints must be filed with) HDOT Office of Civil Rights, 200 Rodgers Boulevard, Honolulu, Hawaii 96819, or via email at HDOT-TITLEVI@hawaii.gov or HDOT-ADA@hawaii.gov.

HDOT employees and affected personnel are directed to coordinate with HDOT Office of Civil Rights to ensure the effective implementation of DOT Title VI and ADA requirements.

This policy will be distributed annually to all employees and posted on HDOT's website and bulletin boards. Upon request, this policy will be made available in a language other than English and in alternative formats. HDOT subrecipients' compliance with the nondiscrimination requirements of the Title VI program and the ADA will be monitored by HDOT.

Hawaii Department of Transportation

Name of Recipient

by 
Signature of Authorized Official

Dated: Aug 14, 2024

Executive Summary

Hawai‘i’s remote location underscores the significance of ocean cargo transport as the lifeline and only viable means to serve and support every facet of the local economy, including tourism, construction, national defense, agriculture, and all other industries. An estimated 85% of all goods consumed in Hawai‘i are imported, and 91% of the imported goods arrive through the commercial harbor system. Hawai‘i’s residents heavily depend on its commercial harbor system. A disruption of ocean transport services and the delay of cargo movement from the harbor to a final destination will severely impair the state economy.

The Pacific Ocean serves as Hawai‘i’s “interstate” highway system. Unlike the continental U.S. where multiple modes of transportation are available to transport goods, Hawai‘i’s only alternative to ocean transport of cargo is air transport which is relatively expensive and incapable of satisfying Hawaii’s total demand. To match the cargo load carried by a single 2,600 TEU containership, the equivalent of 150 Boeing 747 cargo aircraft is required. In other words, there is no economically feasible alternative to ocean transport of cargo.

Hawai‘i Department of Transportation Harbors (HDOT Harbors) is tasked with the mission of effectively managing and operating the statewide commercial harbors system that facilitates the efficient movement of people and goods to, from, and between the Hawaiian Islands. This harbors system operates on the M-H1 Daniel K. Akaka Marine Highway as a hub-and-spoke system with Honolulu Harbor on the island of O‘ahu (where 68% of Hawai‘i’s 1.4 million residents live) as the hub and primary entry point for incoming cargo from the continental United States and foreign countries. From Honolulu, cargo is distributed to five other islands served by seven commercial harbor facilities on those islands.

To this end, 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 commercial ports under the purview and administration of HDOT:

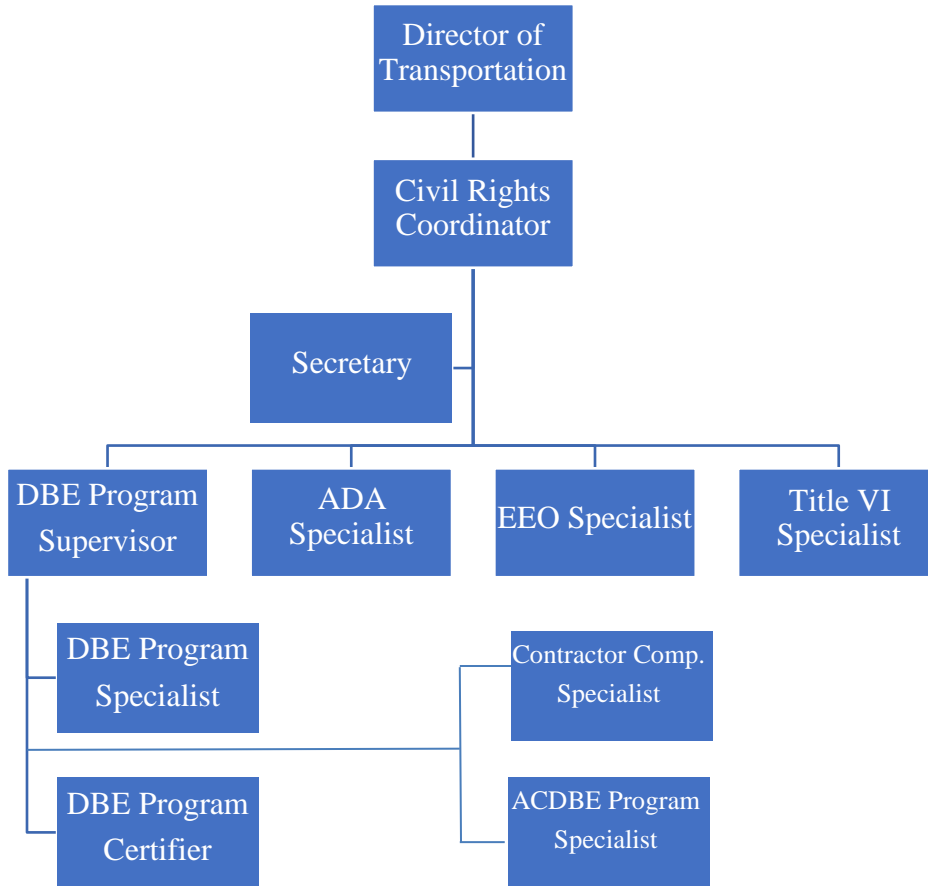
- Hawai‘i – Hilo Harbor and Kawaihae Harbor
- Maui - Kahului Harbor, Kaunakakai Harbor, Kaunapali Harbor
- O‘ahu - Honolulu Harbor and Kalaheo Harbor
- Kaua‘i - Nāwiliwili Harbor and Port Allen Harbor

Administration

The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other required responsibilities. The ADA Coordinator is responsible for initiating and monitoring ADA compliance, including design requirements and complaint resolution.

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 – Harbors.

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 modes 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 unoccupied, 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 HDOT-Harbors are as follows:

- Ensure that all who travel through the harbors, for both commercial and leisure purposes, 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 Harbors 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 Harbors 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 Harbors employees, lessees, concessionaires, etc., by or before January 1, 2025. 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 Harbors employees, lessees, concessionaires, etc., given that in-person training for all personnel and contractors as is required by USDOT 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 in-person learning, Microsoft Teams or (for employees) through a Statewide Learning Management System (LMS) hosted by the State Department of Human Resources Development.

Title VI Compliance Reviews

Pursuant to USDOT guidance on the matter, HDOT OCR, via the Title VI Program Specialist, will conduct periodic compliance reviews for Title VI compliance of applicable HDOT Harbors 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 E). Coordination and review with HDOT Harbors and applicable subrecipients to ensure all applicable civil rights assurances are included with all contracts, sub-recipient agreements and tenant agreements will be ongoing. If a subrecipient or equivalent entity is found to be deficient, corrective action plans may include the following:

- The development of project or activity specific oversight procedures, schedules, tools, or documentation requirements
- Procedures of identifying and correcting program or performance deficiencies
- Technical assistance or training on grant requirements, including federal non-discrimination requirements
- Regular communication
- Routine site visits

LIST OF TITLE VI AND ADA INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin, or disability)	Status	Action(s) Taken
Investigations				
1. None				
2.				
Lawsuits				
1. None				
2.				
Complaints				
1. None				
2.				

HDOT Harbors Planning and Advisory Board Membership

HDOT does not select the membership of harbors-related non-elected planning boards, advisory councils, or committees.

HDOT Harbors Legacy Infrastructure and ADA Compliance

It is the policy of HDOT that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination by any program, service or activity of HDOT. In 2006, HDOT completed an ADA Transition Plan that (1) addressed all HDOT facilities, including airports, harbors, and highways facilities and (2) used program accessibility, rather than structural removal of all barriers, as the applicable standard to determine compliance with Title II of the ADA. Subsequent to completion of the ADA Transition Plan, newly constructed and altered HDOT facilities were and continue to be designed in compliance with the applicable ADA Standards.

The Disability and Communication Access Board (DCAB) is a state of Hawaii agency that serves as a public advocate for persons with disabilities by providing advice, recommendations and technical assistance. Under Section 103-50, Hawaii Revised Statutes, all plans and specifications for the construction of HDOT buildings, facilities, and sites are required to be reviewed by DCAB for compliance with the ADA Accessibility Guidelines as adopted and amended by DCAB.

Attachment A – USDOT Standard Title VI Program Assurances

ASSURANCE CONCERNING NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

(Implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act, as amended)

49 C.F.R. Parts 21, 25, 27, 37 and 38

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

By signing and submitting the Technical Application and by entering into this agreement under the FY 2023 PIDP, the Recipient **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Maritime Administration (MARAD), it 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 *Non-discrimination 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 (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 Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, 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 under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including MARAD.

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FY 2023 PIDP Grant:

1. The Recipient 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 Recipient 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 the FY 2023 PIDP Grant and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Recipient, 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 for 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 Recipient 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 Recipient 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 Recipient 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 Recipient 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 Recipient 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 Recipient 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 Recipient 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 Recipient, 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 Recipient retains ownership or possession of the property.
9. The Recipient 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, 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. Maintain records of Title VI, Title IX, and ADA investigations, complaints, and lawsuits alleging discrimination on the basis of race, color, national origin, sex, age, or disability that are attributed to the Recipient. To the extent permitted by law, the records shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the Recipient in response, or final findings related to, the investigation, lawsuit, or complaint. The Recipient must submit a summary of these records that includes de-identified aggregate data, upon request by MARAD, sufficient to determine whether the Recipient is in compliance with Federal non-discrimination requirements. If MARAD determines that the provided information is insufficient to determine whether the Recipient is in compliance with Federal non-discrimination requirements, then the parties will come to a mutually-agreed-to resolution about the information the Recipient should submit.
11. The Recipient 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 Recipient also agrees to comply (and require any sub-recipients, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing MARAD's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by MARAD. You must keep records, reports, and submit the material for review upon request to MARAD, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient 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 U.S. Department of Transportation under the FY 2023 PIDP. This ASSURANCE is binding on the Recipient, other recipients, sub-recipients, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FY 2023 PIDP.

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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Maritime Administration (MARAD), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** 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 C.F.R. 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 Non-discrimination 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 MARAD 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 MARAD, 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 MARAD 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 MARAD 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.

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 Specific Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon in accordance with the Consolidated Appropriations Act, 2023, Pub. L. No. 117-328 (Dec. 29, 2022), the regulations for the administration of the FY 2023 PIDP, and the policies and procedures prescribed by the Maritime Administration (MARAD) 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 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient 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 Recipient 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 Recipient, its successors and assigns.

The Recipient, 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 Recipient 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 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.)

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 Recipient pursuant to the provisions of Specific Assurance 7(a):

- A. The (Recipient, 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 (Recipient, 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 Non-discrimination covenants, Recipient 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 Non-discrimination covenants, the Recipient 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 Recipient 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.)

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 Recipient pursuant to the provisions of Specific Assurance 7(b):

- A. The (Recipient, 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 (Recipient, 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 Non-discrimination covenants, Recipient 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, Recipient will there upon revert to and vest in and become the absolute property of Recipient 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.)

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 non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination 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 C.F.R. 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 C.F.R. 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 U.S.C. § 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 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 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 B – Sample of Title VI Non-Discrimination Notice



Public Notice of Non-Discrimination Rights

The Hawaii Department of Transportation (HDOT) gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. Title VI and related nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding HDOT's Title VI and ADA Program can contact Randall Landry, Title VI Coordinator, or Duane Buote, ADA Coordinator, at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination based on race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be submitted in writing within 180 days of the date of the alleged occurrence to:

Office of Civil Rights
Hawaii Department of Transportation
200 Rodgers Boulevard
Honolulu, HI 96819
(808) 831-7912 (Title VI) or (808) 831-7934 (ADA)
HDOT-TITLEVI@hawaii.gov or HDOT-ADA@hawaii.gov

A complainant may also file a complaint directly with the Maritime Administration by emailing civilrights.marad@dot.gov or mailing a written complaint to:

United States Maritime Administration
Office of Civil Rights
West Building, 2nd Floor MAR-130
1200 New Jersey Avenue, SE
Washington, DC 20590

Attachment C - Title VI Complaint Procedures and Form for Hawaii Department of Transportation - Harbors

Introduction

The Hawaii Department of Transportation (HDOT) has established this ‘Complaint of Discrimination’ Procedure as a mechanism for the review and resolution of allegations of discrimination. **These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964 and The Americans with Disabilities Act (ADA)** which prohibit discrimination based on race, color, national origin, and disability in any program or activity administered by the HDOT or its sub-recipients, consultants and/or contractors. Retaliation or intimidation of any kind is also prohibited by law.

These procedures do not negate or limit the right of the complainant to file formal complaints with other state or federal agencies. These procedures are part of an administrative process that does not provide for remedies such as compensatory damages for the complainant.

The HDOT Office of Civil Rights (OCR) serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. HDOT OCR is located in Honolulu, Hawaii. HDOT OCR is responsible for conducting counseling and investigations of alleged incidences of discrimination. The complainant, the individual making a complaint, is advised of his/her rights under State and Federal laws and is given a copy of this procedure.

Complaint Basis

Allegations must be based on issues involving race, color, national origin, or disability. The term basis refers to the complainant’s protected group status. A Protected Group is a group of people with common characteristics who are legally protected from discrimination based on that or those characteristic(s).

Protected Group categories and definitions relevant to this procedure:

Category	Definition	Example
Race	The perception based on physical characteristics that a person is a member of a racial group.	Black, White, Native American/Indian.
Color	The color and/or shade of skin within a racial group.	Black, white, dark or light brown, etc.

National Origin	A group of people who share a common language, culture, ancestry and/or other social characteristics. Includes discrimination based on heritage or country of original citizenship. Also includes discrimination based on language or accent.	Cuban, Vietnamese, Mexican.
Disability	A disability is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.	An individual with a visual impairment, or who uses a mobility device like a wheelchair.

Complaint Process

Any individual or group of individuals who believe that he/she or they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color or national origin (including Limited English Proficiency) or disability may file a written complaint to [HDOT OCR](#). A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

The complaint must meet the following requirements in that it must:

- Be made in writing or submitted electronically to HDOT OCR;
- Be submitted on the ‘Title VI and ADA Discrimination Complaint Form’ and signed by the complainant(s);
- Include the full name and address(es) of the complainant(s);
- Include the date(s) of the alleged act(s) of discrimination;
- Include the full name(s), job title(s), and work address(es) of the accused party(ies), if known;
- Include a detailed description of the alleged act(s) of discrimination (specify all issues and circumstances of the alleged discrimination);
- Identify the basis of the complaint (i.e. race, color, national origin, LEP, disability); and
- Include the name(s), address(es), and telephone number(s) of any person who may have knowledge of the alleged incident.

For complaints to be accepted, they must be filed within 180 days of the alleged act of discrimination; meet the above procedures for filing; and allegations must be based on issues pertaining to race, color or national origin (including limited English Proficiency).

A complaint may be dismissed if the complainant requests the withdrawal of the complaint; the complainant does not respond to requests for information on or before the date indicated in the request; or the complaint is not timely filed.

In cases where a complainant cannot provide a written complaint, assistance will be provided by HDOT OCR. However, all complaints must be signed by the complainant or its legal designee. A signature provided by a legal designee must be accompanied by written permission from the complainant.

Complaint Investigation

Following the receipt and review of the complaint the HDOT OCR or a designee will issue a letter acknowledging receipt of the complaint.

1. The accused party(ies) will be notified that a complaint has been filed against him/her/them within 10 days of accepting the complaint. When applicable, the accused party(ies) is/are advised of his/her/their right to representation by the union or any other appropriate representative of his/her/their choice.
2. Barring extenuating circumstances outside of the investigators control, the investigator will conduct a fact-finding investigation and provide a resolution, if one is possible, within ninety (90) business days of receipt of the complaint and notify all involved parties in writing whether there was a violation of Title VI. This will include notification to the complainant of his/her/their right to appeal the results to HDOT.
3. All investigation findings will be reported to the HDOT Director_or his/her/their designee.
4. Should the complainant elect to appeal the decision, he/she/they must do so in writing to the HDOT OCR_within ten (10) business days after receipt of the complaint resolution proposed by the HDOT OCR Investigator (either Title VI Coordinator or ADA Coordinator)_or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.
5. The HDOT Director or his/her/their designee will review the case to determine what, if any additional information is needed. If additional information is required from the appellant, he/she will be provided reasonable advance notice of a meeting and will be advised of his/her/their right to present relevant information at that time.
6. The HDOT Director or his/her/their designee will render a written decision regarding the appeal, no later than thirty (30) business days from the date of the filing of the appeal which will be sent to the appellant. Should this decision differ from the findings of the investigation, it will also be sent to all parties involved and the Attorney General's Office. **The decision of the HDOT Director_or his/her/their designee is final.** However, this does not preclude the complainant from pursuing other means of resolution under federal and/or state law.
7. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by the HDOT OCR_who will pay particular attention to the detection of any patterns in the nature of the complaints. All such records shall be retained on a strictly confidential basis, except where disclosure is required by law.

SAMPLE TITLE VI & ADA COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				

Section IV		
Have you previously filed a Title VI or ADA complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply: <input type="checkbox"/> Federal Agency: _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:
 Hawaii Department of Transportation
 Office of Civil Rights
 ATTN: Title VI/ADA Coordinator
 200 Rodgers Boulevard
 Honolulu, Hawaii 96819

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

JOSH GREEN, M.D.
GOVERNOR



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

EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

OCR-T 1.9094

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 all staff with civil rights responsibilities must work closely to oversee their shared Title VI nondiscrimination responsibilities. All HDOT employees, including the Director, Deputy Directors, Modal 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, and any and all other applicable sections), as well as 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.

Handwritten signature of Edwin H. Sniffen in blue ink.

EDWIN H. SNIFFEN
Director of Transportation

Aug 21, 2023

DATE

JOSH GREEN, M.D.
GOVERNOR



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

EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

OCR-T 1.9107

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. Considering 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 reasonable access to said services as administered by HDOT.

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 person 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.

Handwritten signature of Edwin H. Sniffen.

EDWIN H. SNIFFEN
Director of Transportation

Aug 29, 2023

DATE

**Attachment E - Title VI Compliance Review Checklist for Hawaii
Department of Transportation - Harbors Branches, Applicable
Tenants or Subrecipients**

Pursuant to the Hawaii Department of Transportation (HDOT) Title VI Program Plan for the Maritime Administration (MARAD), HDOT OCR will conduct periodic reviews of HDOT Harbors branches and applicable tenants or grant subrecipients. For any deficiencies found by OCR review, the appropriate authority within the entity under review will implement a Corrective 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/MARAD 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?	

<p>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.)</p>	
<p>If the organization under review regularly interacts with the public, are language accessibility options available for LEP customers?</p>	
<p>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.</p>	
<p>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?</p> <p>(If yes, please note summary)</p>	
<p>Are there any other notable accomplishments related to Title VI or language access that the organization under review wishes to note?</p>	

Findings Requiring Corrective Action

Deficiencies Noted	Subrecipient Response/Plan of Action

Additional Notes for Corrective Action Plan:

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Attachment F - Hawaii Department of Transportation - Harbors Community Participation Plan (CPP)¹

1. Administration

The purpose of this CPP is to ensure that stakeholders or communities affected² by **Hawaii Department of Transportation – Harbors (Hereafter HDOT)** projects or operations can be informed and participate and have their input thoughtfully considered in the key stages during port planning efforts, regardless of their race, color, national origin, sex, sexual orientation, gender identity, creed, age, or disability (hereafter, the “protected bases”). This plan is provided in accordance with Title VI of the Civil Rights Act of 1964 (Title VI) and related authorities.³ This plan and associated reports regarding our CPP efforts will be communicated to the public in formats accessible to persons with disabilities and to limited English proficient (LEP) individuals.

The individuals primarily responsible for implementing the HDOT CPP are:

Responsible Official	Title, Office, and Responsibilities
1. Randall Landry	<i>Title VI Coordinator, Office of Civil Rights; Responsibilities include Administration, Effective Communication, Records, and Reporting Outcomes</i>
2. Harbors Title VI Liaison	<i>Harbors Modal Program, Planning Section, Responsibilities include Administration, Goals and Objectives, Identification of and Focused Outreach to Affected Communities, Effective Communication, Communication Platform, Records, and Reporting Outcomes</i>
3. Communications Manager	<i>Office of Public Affairs, Responsibility includes communication platform</i>

Responsible officials’ contact information is shared with the public through the following methods:

Website,⁴ In-person, and Other Communication Methods

1. HDOT Office of Civil Rights (OCR) Title VI Website
2. Non-Discrimination Poster

In addition, **HDOT** will ensure that members of the public are advised of our nondiscrimination obligations. This includes how to file discrimination complaints with **HDOT** and the Maritime

¹ See DOT Order 1000.12C, “The U.S. Department of Transportation (DOT) Title VI Program,” Ch. 2, Sec. 4. (Jun. 11, 2021). <https://www.transportation.gov/sites/dot.gov/files/2021-08/Final-for-OST-C-210312-002-signed.pdf>

² Within this CPP, the term “affected” also means *served*, in addition to *positively or negatively impacted*.

³ Related authorities include the Age Discrimination Act of 1975; Sec. 520 of the Airport and Airway Improvement Act of 1982; and the Civil Rights Restoration Act of 1987.

⁴ <https://hidot.hawaii.gov/administration/ocr/title-vi-program/>

Administration (MARAD) (See Attachment C of this Title VI Plan). We will also conspicuously display the Non-Discrimination Posters at port facilities (See Attachment B of this Title VI Plan).

HDOT also makes this CPP available through the following methods when engaging members of the public concerning planning efforts:

Website,⁵ In-person, and Other Distribution Methods

- 1. HDOT Office of Civil Rights (OCR) Title VI Website**
 - 2. Upon request to HDOT OCR via email, phone, or other available method, a physical copy of the CPP will be provided.**
-

⁵ Ibid.

2. Goals and Objectives

This CPP applies to all port planning and decision-making efforts, whether or not directly supported by Federal assistance. This includes surveys, public meetings or hearings, not only meetings for a project requiring an environmental impact statement (EIS) or environmental assessment (EA).

HDOT’s planning processes that lead to decisions for projects or operations or those of any sub-recipients are:

Planning Processes

1. Master Plans (MP)
2. Development Plans
3. Environmental Review/Compliance
4. Historic Preservation Review/Compliance
5. Other plans

HDOT seeks public input for the above processes through the following methods:

Public Input Methods	Planning Process(es) that use each Method
A. Input at public meetings or hearings (verbal and written)	#1, 2, 3
B. Comments submitted via project website	#1, 3
C. Comments submitted via email	#1, 2, 3, 4, 5
D. Written comment through the mail	#1, 2, 3, 4, 5
E. Agency or Public Workshop	#1, 5
F. Surveys	#1, 2, 5
G. Focus groups	#1, 2, 5

3. Identification of and Focused Outreach to Affected Communities

HDOT will detail appropriate affected communities for respective port projects current and forthcoming here:

<i>Kawaihae Harbor Improvements Project</i>	<i>Kawaihae; Kawaihae Hawaiian Homesteads (Kailapa)</i>

The specific steps **HDOT** will take to communicate with, inform, educate, consult or solicit input from, and expand opportunities for engagement with each Affected Community,⁶ are provided below.

Affected Community	Key Community Reps. (CBOs, unions, leaders, etc.)⁷	Focused Outreach Steps
i.Kawaihae; Kawaihae Hawaiian Homestead	<ul style="list-style-type: none"> • State Senator of District 4 • State Representative of District 7 • State Representative of District 8 • County Council District 9 • Department of Hawaiian Homelands • Kailapa Community Association • Native Hawaiian Organizations 	<ul style="list-style-type: none"> a. Community meeting b. Website/Social Media c. Mailers/Email d. Focus groups/One-on-One meetings

⁶ “Affected communities” means any readily identifiable group impacted or potentially impacted by a harbor project or operation, such as the community immediately surrounding a project or a community affected by the port’s marine operations.

⁷ Potential representatives include chamber of commerce, environmental advocacy groups, business leaders, and labor groups. Their representatives should have a close association with the community, with particular emphasis on connection to racial and ethnic minority groups within the communities, including limited English proficient populations, as well as other constituencies historically underserved by transportation programs, such as low-income populations, and others.

4. Effective Communication

HDOT will ensure that public engagement is effective, meaningful, and free of linguistic, economic, historical, and cultural barriers to participation. Every effort will be taken to ensure clear, plain, and effective communication with Affected Communities, including ensuring materials are in accessible formats for persons with disabilities and in languages other than English. See **HDOT's** Language Access Plan.

5. Communication Platforms

Diverse communication platforms will be utilized to effectively reach the broadest audience. We will use the following platforms to communicate project details, our nondiscrimination obligations, and points of contact for the public to share project or operational feedback with our office and MARAD.

Social Media, Monitors, and Other Communication Platforms

- 1. Project website**
- 2. HDOT Harbors website**
- 3. Newspaper advertisement**
- 4. Flyers**
- 5. Letters**
- 6. News Releases**
- 7. Email**
- 8. Social Media**

6. Records

This section includes the procedures **HDOT** will follow to document outreach efforts. Records for steps taken to provide outreach to Affected Communities will be maintained in the following locations:

Website, In-person, and Other Storage Methods

- 1. Published in Appendices to respective Planning Documents**
- 2. HDOT OCR records digital folder (upon request to HDOT OCR via email, phone or other available method, a copy of public records will be provided)**

Records will be kept for community input. The records will document how **HDOT** considered, weighed, and incorporated input received. The records will include justifications for any decisions contrary to community feedback. The records will be stored in the following locations:

Website, In-person, and Other Storage Methods

- 1. Published in Appendices to respective Planning Documents**
- 2. HDOT OCR records digital folder (upon request to HDOT OCR via email, phone or other available method, a copy of public records will be provided)**

Records for demographics of participants will also be kept. Requested demographic information will include race, national origin, sexual orientation, gender identity, creed, age, disability, languages spoken, and community membership.⁸ Demographic information will be requested by the following methods:

Demographic Information Collection Methods

- 1. Participants at public participation meetings would be asked to complete a HDOT Voluntary Title VI Public Involvement Data Card or online survey equivalent. The anonymous survey includes demographic information.**
- 2. Optional questions included in surveys.**

CPP records will be made available to the public using the same methods for other information outlined within this plan.

⁸ This information is solicited to demonstrate compliance with Title VI and related requirements. See 49 CFR § 21.9(b); 49 U.S.C. § 47123; 28 CFR § 42.406; and FAA Order 1400.11.

7. Reporting Outcomes

Within 30 days of the end of each Federal fiscal year (FY),⁹ HDOT will create a CPP Report for the complete FY. The report will summarize efforts taken under this CPP in a narrative statement describing:

1. The specific steps taken to produce meaningful engagement with Affected Communities for the completed FY,
2. The results of those efforts for the completed FY, and
3. How the Affected Communities' comments and views are or will be incorporated into the decision-making process.

The CPP Reports will be included with **HDOT's** Title VI Plan. If no current Title VI Plan exists, the CPP Reports will be added to its Title VI Assessment for each grant.

⁹ The first report is required after the first complete fiscal year, after this plan is adopted. Information for activities during a partial year immediately following adoption of the plan will be included with the first full year's report.