



U.S. Department
of Transportation
**Federal Transit
Administration**

1200 New Jersey Ave., S.E.
Washington, D.C. 20590

January 4, 2010

Mr. Brennon T. Morioka, Ph.D, P.E.
Director of Transportation
Hawaii Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

Dear Mr. Morioka:

Re: Title VI Compliance Review – February 16-19, 2010

Dear Mr. Morioka:

The Hawaii Department of Transportation (HDOT) is the recipient of one or more federal transit grants, loans and/or contracts awarded by the U.S. Department of Transportation, Federal Transit Administration (FTA). The FTA Office of Civil Rights (TCR) has been delegated the responsibility by the Secretary of Transportation to conduct periodic on-site compliance reviews of recipients of such grants, loans or contracts.

In this connection, TCR has engaged the services of the DMP Group (DMP) to assist with the Compliance Review of HDOT's Title VI Program pursuant to Title VI of the Civil Rights Act of 1964, as amended, the Department of Transportation implementing regulations, 49 CFR Part 21, and Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients." The purpose of the Review is to determine the extent to which U.S. Department of Transportation Title VI requirements are being met. As was agreed by Derrin Jourdan, FTA Region IX Civil Rights Officer and Tammy Lee of your staff, the on-site Review will be held on Tuesday, February 16, 2010 through Friday, February 19, 2010. The dates of the Review were selected to provide HDOT adequate time to gather materials needed for the Review and to arrange for the availability of staff during the on-site Review.

An Entrance Conference will be held at 10:00 a.m. on Tuesday to discuss the on-site schedule and review the materials requested in this letter. On Friday, February 19, 2010 at 10:00 a.m., the Review team will identify additional data needs and present preliminary findings at an Exit Conference. You and your staff will be given an opportunity to ask questions and/or comment on these preliminary findings. A written report of findings and recommendations will be prepared and sent to you at a later date.

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The Review team will focus on the Title VI compliance areas that are contained in FTA Circular 4702.1A that became effective on May 13, 2007. These compliance areas are contained in the Circular's Chapter IV (General Requirements and Guidelines), and Chapter VI (Program-Specific Requirements and Guidelines for State Departments of Transportation or Other Administrating Agencies). The general requirements and guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders as well as the DOT's Title VI regulations at 49 CFR §21. We will interview employees who have responsibilities related to implementation of these directives and representatives of local minority and low-income community organizations and conduct subrecipient field visits to observe transit services and related benefits to minority, non-minority and low-income riders. The Compliance Review will not apply the new circular's provisions to actions that were taken by HDOT prior to the Circular's effective date. Rather, we will seek to determine the extent to which your current practices are consistent with this circular's provisions. Chapter VIII of Circular 4702.1A contains additional details of FTA's Title VI compliance review process.

So that our staff and contractors may properly prepare for the site visit, it is important that we receive copies of the information listed on the enclosed document by Wednesday, January 27, 2010. The following DMP personnel will conduct the Compliance Review: John Potts, Khalique Davis, and Bridgett Gagne. These persons are authorized to have access to documents, individuals and other information, at all reasonable times, in the conduct of the Compliance Review. They are also authorized to examine records, copy materials and record the statements of such persons as are reasonably necessary for completion of the Review.

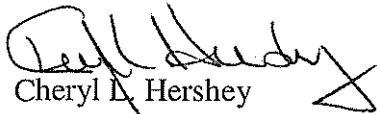
We recommend that your staff review the Title VI information that is available at the FTA Office of Civil Rights' website, http://www.fta.dot.gov/civilrights/civil_rights_5088.html. The Title VI web page includes links to the final reports of Title VI compliance reviews conducted of other FTA grantees and to technical assistance documents such as FTA's handbook on implementing the DOT LEP Guidance and a link to the FTA/FHWA environmental justice web page. These resources may help HDOT prepare for the upcoming Review and/or respond to any findings of deficiencies or advisory comments issued after the Review.

We are obligated to inform you that under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. Should we receive such a request, we will seek to protect, to the extent provided by law, personal information, which, if released, could constitute an unwarranted invasion of privacy.

Your cooperation and assistance in preparing for the Review is greatly appreciated. If you or your staff wishes to discuss this matter, please feel free to contact Ms. Amber Ontiveros of my staff at (202) 366-5130 or contact her by e-mail address at Amber.Ontiveros@dot.gov or you may e-mail Mr. John Potts of the DMP Group for questions related to the Compliance Review at johnpotts@thedmpgroup.com or call him at (504) 283-7661 if you have any questions. For questions related to the Compliance Review, please contact Amber Ontiveros. Please direct any written correspondence regarding this matter to Ms. Ontiveros at the FTA Headquarters Office

and reference the FTA Compliance Review cited above. We look forward to meaningful and successful Compliance Review.

Sincerely,



Cheryl L. Hershey
Director, NTA Office of Civil Rights

Enclosure

cc: Ms. Leslie Rogers, Regional Administrator, Region IX
Mrs. Sandra McCrea, Chief, Headquarters Operations, Office of Civil Rights
Ms. Amber Ontiveros, Equal Opportunity Specialist, Office of Civil Rights
Mr. Derrin Jourdan, Region IX Civil Rights Officer
Mr. John Potts, Lead Reviewer, DMP Group
Ms. Tammy Lee, Title VI Specialist, HDOT
Mr. Ryan Fujii, HDOT

ENCLOSURE

DOCUMENTS REQUIRED FOR TITLE VI REVIEW

**Submit by Wednesday, January 27, 2010 to:
The DMP Group, LLC
1320 Fenwick Lane, Suite 209
Silver Spring, MD 20910**

**FTA Circular 4702.1A Requirement/
Documentation to Be Provided to the DMP Group, LLC
by Wednesday, January 27, 2010**

0. Background

- a) HDOT's most recent State Management Plan(s) for FTA-funded Section 5310, 5311, 5316, and 5317 programs.
- b) List of all HDOT subrecipients by FTA program area, e.g., FTA Section 5309, 5310, 5311, 5316, and 5317 subrecipients.
- c) A map or chart of the distribution of FTA Section 5309, 5310, 5311, 5316, and 5317 funding throughout the State. The areas covered by each subrecipient and the dollars awarded in the past three years should be noted, as well as the number of vehicles, where appropriate. The map or chart should also identify areas where minority and low-income populations exceed the statewide averages.
- d) A demographic profile of the State that includes the identification of the locations of socioeconomic groups, including low-income and minority populations, as covered by Title VI and the Executive Order on Environmental Justice.
- e) HDOT Organization Chart for the Department and for the unit responsible for administration of FTA grant programs.
- f) Sample copies of current funding agreements/contracts between HDOT and its FTA-funded subrecipients, including Section 5309, 5310, 5311, 5316, and 5317 subrecipients.
- g) Any studies or surveys conducted by HDOT, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics or fare issues for its rural public transit service and regarding transit planning and service provided by FTA Section 5309, 5310, 5311, 5316, and 5317 subrecipients, during the past three years.

General Reporting Requirements

1. Inclusive Public Participation (FTA C. 4702.1A, IV.9.)

- a) Summary of HDOT's current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.

2. Language Access to LEP Persons (FTA C. 4702.1A, IV.4.)

- a) A copy of HDOT's four factor analysis of the needs of persons with Limited English Proficiency.
- b) A copy of HDOT's plan for providing language assistance for persons with Limited English Proficiency that is based on the USDOT LEP Guidance

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3. Title VI Complaint Procedure (FTA C. 4702.1A, IV.2.)

- a) HDOT's procedures for investigating and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request.

4. Record of Title VI Investigations, Complaints and Lawsuits (FTA C. 4702.1A, IV.3.)

- a) A list of any investigations, lawsuits, or complaints naming HDOT that alleges discrimination on the basis of race, color, or national origin during the past three years. This list must include:
- the date 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 HDOT in response to the investigation, lawsuit, or complaint.

5. Notice to Beneficiaries of Protection Under Title VI (FTA C. 4702.1A, IV.5.)

- a) Copy of HDOT's Notice to Beneficiaries of Protections Under Title VI
- b) Description of efforts made by HDOT to apprise members of the public of the protections against discrimination afforded to them by Title VI.

6. Annual Title VI Certification and Assurance (FTA C. 4702.1A, VI.1.)

No documents requested.

7. Environmental Justice Analysis of Construction Projects (FTA C. 4702.1A, IV.8.)

- a) Copies of any environmental justice assessments conducted for construction projects during the past three years and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities, including FTA Section 5309, 5310, 5311, 5316, and 5317 subrecipients.

8. Submission of Title VI Program (FTA C. 4702.1A, IV.7.)

No documents requested.

PROGRAM-SPECIFIC REQUIREMENTS FOR STATE DOTs

9. Statewide Transportation Planning (FTA C. 4702.1A, VI.1.)

- a) HDOT's statewide transportation planning process that identifies the needs of low-income and minority populations.
- b) HDOT's analytical process that identifies the benefits and burdens of the State's transportation system investments for different socioeconomic groups, identifying imbalances, and responding to the analyses produced.
- c) A copy of the procedures used for certifying that the statewide planning process complies with Title VI.

10. Program Administration (FTA C. 4702.1A, VI.2.)

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- a) A description of how HDOT develops its competitive selection process or annual program of projects for Section 5310, 5311, 5316, and 5317 programs submitted to FTA as part of its grant applications. This description should emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, including Native American tribes, where present.
- b) A description of HDOT's criteria for selecting transit providers to participate in any FTA grant program.
- c) A record of requests for Section 5310, 5311, 5316, 5317 funding. The record should identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record should also indicate whether those applicants were accepted or rejected for funding.

11. Monitoring Subrecipients (FTA C. 4702.1A, VI.3.)

- a) A description of how HDOT monitors its Section 5309, 5310, 5311, 5316, and 5317 subrecipients for compliance with Title VI and a summary of the results of this monitoring, including:
 - The process for ensuring that all subrecipients are complying with the General Reporting Requirements of FTA Circular 4702.1A.
 - The process for subrecipients who provide transportation services to verify that their level and quality of service is provided on an equitable basis, including the development of system-wide service standards and verification that service provided to predominantly minority and low-income communities meets these standards.

12. Providing Assistance to Subrecipients (FTA C. 4702.1A, VI.4.)

- a) A description of HDOT's procedures to assist potential subrecipients in applying for Section 5310, 5311, 5316, and 5317 funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
- b) A description of the assistance HDOT provides to subrecipients, upon their request, to help them comply with the FTA Title VI General Reporting Requirements. The following are examples of information that may be provided to subrecipients:
 - Sample notices to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint.
 - Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient.
 - Demographic information on the race, income, and English proficiency of residents served by the subrecipient.