

Goodwill Industries of Hawaii, Inc.

Title VI Program FFY 2015-2017

for compliance with
FTA Title VI Circular 4702.1B

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1.0 Introduction

1.1 *Goodwill Industries of Hawaii, Inc. (Goodwill)*

Goodwill Industries of Hawaii, Inc. is a 501 (c)(3) non-profit corporation that helps people with employment barriers to reach their full potential and become self-sufficient.

Since 1959, Goodwill has provided job placement, career development, education, training, employment and support services for people throughout the state. Over 10,000 Hawaii residents each year have benefitted from Goodwill's services, and thousands have found employment in our community.

Working in collaboration with the City and County of Honolulu Department of Transportation Services, Goodwill provides transportation services under the auspices of two Mobility Management projects, the Kalaeloa Shuttle and Agency Provided Trips. These projects receive Federal Transit Administration (FTA) JARC and New Freedom funds:

- The Kalaeloa Shuttle was designed to complement Route 415 of the City's fixed-route bus system and provide service during periods when Route 415 is not operating, including weekends and off-peak times. The Shuttle provides daily fixed-route service along a 7 mile loop in Kapolei. Although the Shuttle was primarily designed to provide transportation for residents of transitional housing shelters in the Kalaeloa area, anyone can use the Shuttle to travel along the loop.
- Agency Provided Trips provides individuals who participate in Goodwill's Adult Day Health (ADH) program with daily trips on Goodwill vehicles operated by Goodwill staff to and from program sites in Kapolei and Kilihau. These clients would otherwise be utilizing the American with Disabilities (ADA) paratransit service on Oahu.

1.2 Requirements and Guidance

As a condition of Goodwill's funding from the Federal Transit Administration (FTA) through subrecipient agreements with the City and County of Honolulu Department of Transportation Services, Goodwill is required annually to submit Certifications and Assurances. In addition, on a triennial basis, Goodwill is required to submit to the DTS evidence documenting compliance with FTA Circular 4702.1B on Title VI of the Civil Rights Act of 1964, which states in Section 601:

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 subjected to discrimination under any program or activity receiving federal financial assistance.

There are two Presidential Executive Orders that place further emphasis upon Title VI protections of race and national origin.

- Executive Order #12898 directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.
- Executive Order #13166 directs federal agencies to evaluate services provided and implement a system that ensures that persons with Limited English Proficiency are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited English Proficiency applicants and beneficiaries.
- Circular 4703.1 went into effect on August 15, 2012 to provide recipients of FTA financial assistance with guidance to incorporate environmental justice principles into plans, projects and activities that receive funding from FTA.
- Circular 4702.1B went into effect on October 1, 2012 to assist grantees in complying with Title VI of the Civil Rights Act of 1964. The purpose of this Circular is to provide recipients of FTA financial assistance with instructions and guidance necessary to carry out the US Department of Transportation's Title VI regulations (49 CFR part 21).

2.0 General Requirements

2.1 Notice to the Public

Requirement: All recipients must provide a copy of the recipient's Title VI notice to the public that indicates that the recipient complies with Title VI, and informing members of the public of the protections against discrimination afforded to them by Title VI, as well as a list of locations where the notice is posted.

Policy: Goodwill posts its Title VI notice in English in the public portions of its Administration building located at 2610 Kilihau Street and online at www.higoodwill.org. A sample Notice to the Public, along with a Title VI Poster, is included in Appendix 4.

2.1 Complaint Procedures and Form

Requirement: All recipients must provide a copy of instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.

Policy: The procedure for filing a Title VI complaint can be found online at www.higoodwill.org and may also be obtained from Goodwill's Administrative Office at 2610 Kilihau Street, Honolulu HI 96819. Goodwill staff is available to assist complainants with filing a Title VI complaint.

Goodwill has developed procedures for filing, tracking and investigating Title VI complaints. The procedures, including a complaint form provided by Goodwill are included in Appendix 2.

2.2 Investigations, Complaints and Lawsuits

Requirement: All recipients must provide a list of any public transportation related Title VI investigations, complaints and lawsuits filed with the recipient since the time of the last submission.

Policy: Goodwill has developed procedures for tracking and monitoring Title VI complaints and lawsuits and has procedures for investigation of complaints.

2.3 Inclusive Public Involvement

Requirement: Pursuant to 49 CFR 21.5(b)(7), and to engage in community outreach consistent with the DOT Order on Environmental Justice, recipients and sub-recipients shall seek out and consider the viewpoints of minority and low income populations in the course of conducting public outreach and involvement activities. An agency's public participation plan shall offer early and continuous opportunities for the public to be

involved in the identification of social, economic and environmental impacts of proposed transportation decisions.

Policy: Goodwill staff is actively involved in organized community and local advisory groups and makes ongoing efforts to assist clients who have limited English proficiency.

2.4 Language Assistance Plan

Requirement: All recipients are required to provide a Language Assistance Plan (LAP), which specifies policies and procedures for providing language assistance to LEP populations, in accordance with U.S. Department of Transportation LEP Guidance.

2.4.1 Four Factor Analysis

The U.S. Department of Transportation (DOT) issued its *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficiency (LEP) Persons*. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons, regardless of whether or not the agency chooses not to prepare a written LEP plan:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient;
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 recipient to people's lives; and
4. The resources available to the recipient and costs.

A brief description of the self-assessment undertaken in each of the areas follows.

2.4.1a The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient.

Kalaeloa Shuttle

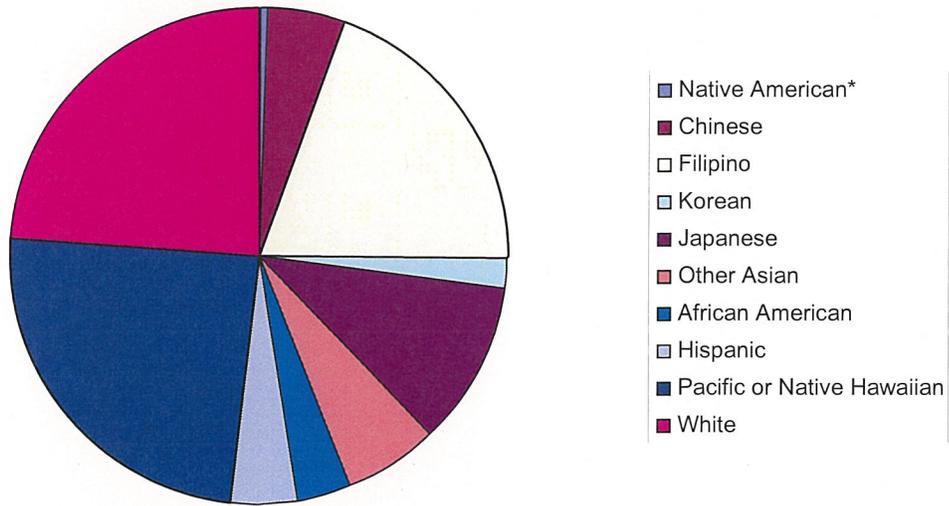
The Kalaeloa Shuttle operates in the Kapolei area of Oahu and serves a transient population that mirrors the ridership of the fixed route service on the island. Using data reported by the fixed route service, TheBus, the population and ridership characteristics of the service area can be summarized using both U.S. Census data and ridership survey data.

Ethnic Groups

Ethnic groups in Honolulu are extremely diverse. Among the ridership, three groups dominated; Filipinos, Whites and Pacific Islanders or Native Hawaiians.

Figure 1

Ridership by Ethnicity

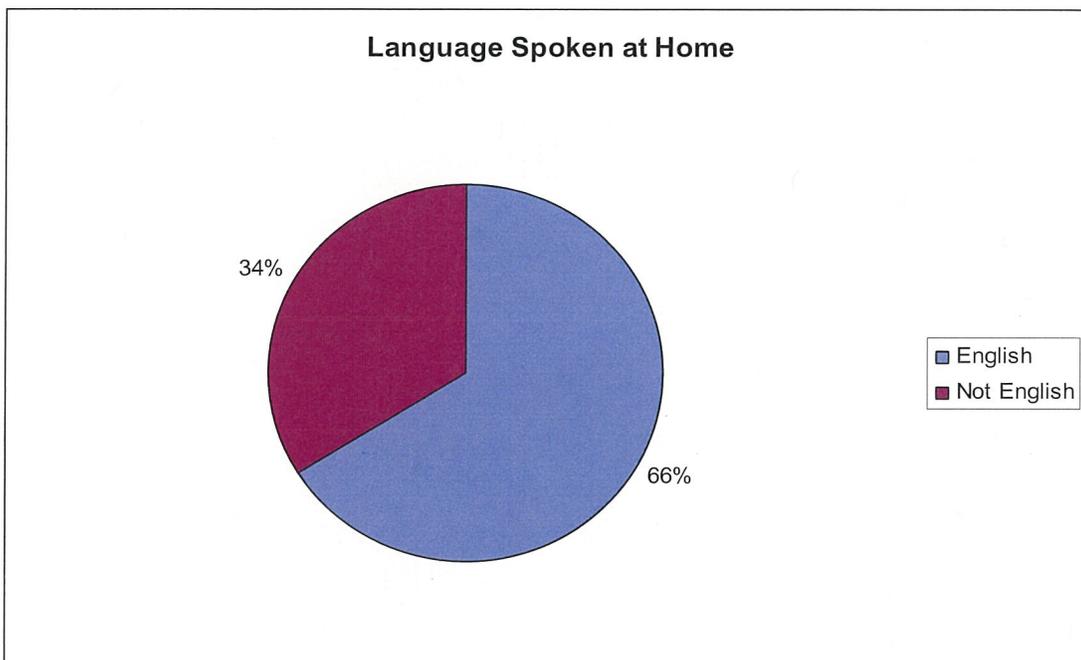


* Survey question reads American Indian or Alaska Native

Language Spoken at Home

A corollary of ethnicity is the language a person speaks at home, as illustrated in the following graph. It is recognized that non-English speakers face additional challenges when accessing mass transit. Over 100 languages other than English were used at home by the riders.

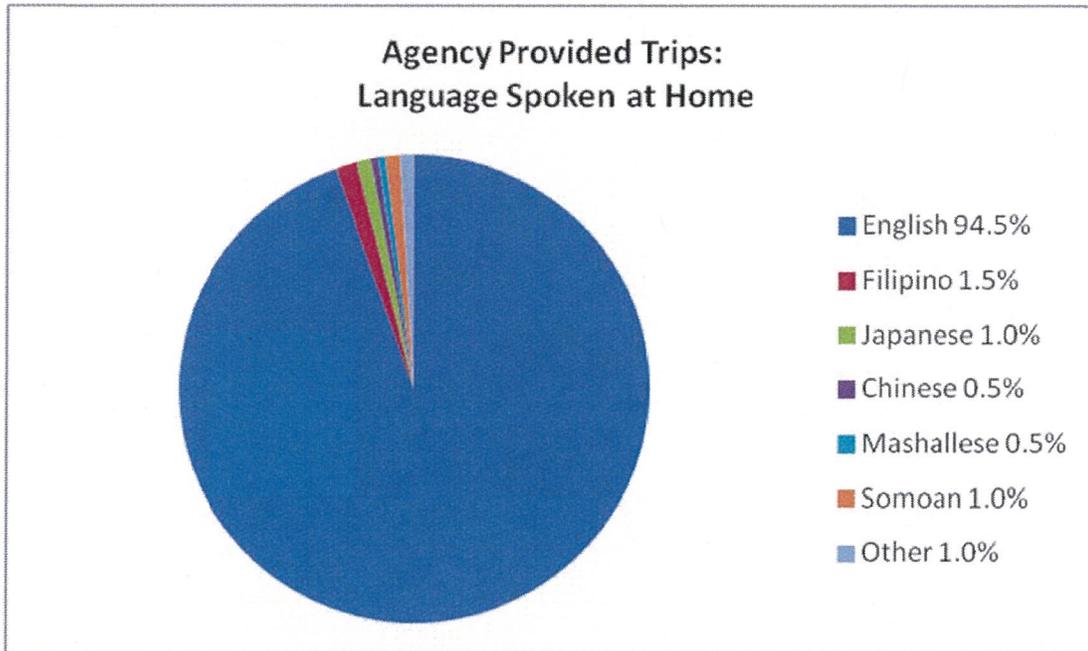
Figure 2



Agency Provided Trips

For individuals who participate in Goodwill's Adult Day Health (ADH) program, information from all participants is collected upon enrollment to ascertain the primary language spoken at home. ADH clients participate in the Agency Provided Trips project, funded through New Freedom grants. Figure 3 on the following page illustrates the percentages of primary languages spoken at home.

Figure 3



2.4.1b The frequency with which LEP individuals come in contact with the program.

Goodwill has assessed the frequency at which staff has or could possibly have contact with LEP persons. This includes examining census data, client enrollment data, phone inquiries, requests for translated documents and staff feedback.

2.4.1c The nature and importance of the program, activity or service provided by the recipient to people's lives.

Public transportation is vital to many people's lives. According to the Department of Transportation's *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons*, "Providing public transportation access to LEP persons is crucial. An LEP person's ability to utilize effective public transportation may affect his or her ability to obtain health care, or education, or access to employment."

2.4.1d The resources available to the recipient and costs

Goodwill assessed its available resources that are currently being used, and those that could be used, to provide language assistance. Within the limited funding available for the Kalaeloa Shuttle and Agency Provided Trips, Goodwill provides a reasonable degree of services for limited English speaking persons.

2.5 Interactions with the Limited English Proficiency Population

Goodwill employs the following to ensure meaningful input is received:

- Goodwill ensures that its staff is available to work with customers who speak Japanese, Chinese and other Asian/Pacific Island languages.
- When customers communicate with Goodwill and state a language preference, requested materials are provided in the requested language.
- Notices that are posted on the Kalaeloa Shuttle and Agency-Provided Trips vehicles are provided in English. Notices will contain a statement directing individuals to contact Goodwill if assistance is needed in another language. This statement will appear both in English and in any languages spoken by LEP populations that exceed the Safe Harbor threshold (see Section 2.7, Safe Harbor Provisions).

2.6 LEP Training and Implementation by Goodwill staff

Goodwill employs the following to ensure meaningful input is received:

- When new hires start employment, Goodwill management distributes an Administrative Handbook that contains all Agency policies and procedures. The Administrative Handbook will be updated to include Goodwill's policy on outreach to and communication with limited-English speaking persons.
- As new policies/procedures are developed, or existing policies/procedures are amended, these new documents are distributed to affected employees through various methods, including but not limited to paper distribution, electronic documents, postings in employee break rooms, and scheduled group or individual training sessions.
- Kalaeloa Shuttle and Agency-Provided Trips operators, who are the most direct point of contact for LEP persons, have several methods to respond to an LEP individual. If vehicle operators are not bilingual, they are instructed to ask for

assistance from a bilingual passenger. In cases where there is no one on the bus who can offer language assistance when needed, the vehicle operator contacts Goodwill for assistance.

2.7 Safe Harbor Provisions

The Safe Harbor requirements state, “if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally.”

Translation of vital documents for the Kalaeloa Shuttle will be provided in the same languages as TheBus, as shown below. If information is needed in another language, consumers can contact Goodwill at 808-836-0313.

- Japanese
- Ilocano
- Korean
- Chinese
- Vietnamese

As shown in Figure 3 above, there are no language groups for Agency Provided Trips clients that exceed the Safe Harbor threshold.

2.8 Monitoring, Evaluation and Updates to the Plan

The Goodwill’s Title VI program and Language Assistance Plan are designed to be living documents that are updated accordingly. Goodwill monitors its services and service area statistics:

1. Through contact with our clients
2. Through updated information from TheBus
3. Through formal comments obtained by the public and local officials
4. Through outreach with other human service agencies on their changing customer demographics.

Based on the information received, Goodwill reviews all comments and updates the plan and outreach documents accordingly. All data is reviewed as needed and at a minimum, a new plan is updated and adopted by the Board every three years.

2.9 Committee and Board Composition

Committee and Board Composition Requirement: Recipients that have transit-related, non-elected planning boards, advisory councils or committees or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees and a description of efforts made to encourage the participation of minorities on such committees or councils.

Policy: Goodwill does not have any non-elected planning boards, advisory councils or committees, or similar bodies.

2.10 Construction Projects

Requirement: If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

Title 49 CFR Section 21.9 (b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the ground of race, color or national origin."

Title 49 CFR part 21, Appendix C, Section (3) (iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color or national origin."

For the purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV of Circular 4702.1B, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

Policy: Goodwill did not have any construction projects, as defined by this regulation, during the time since the last program submittal.

2.11 Subrecipient Monitoring

Recipients shall include a narrative or description of efforts used to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

Policy: Goodwill does not have any pass-through agreements with subrecipients and no such agreements are expected during the term of this Title VI plan.

2.12 Board Approval

Requirement: A copy of board meeting minutes, resolution, or other appropriate documentation showing the Board of Directors reviewed and approved the Title VI program must be included.

Policy: This Title VI update will be posted to the Goodwill website once approved by Goodwill and is scheduled to go to the Board of Directors at its November 2015 meeting.

2.13 Required Submission of the Title VI Program

To ensure compliance with 49 CFR Section 21.9 (b), FTA requires that all recipients document their compliance by submitting a Title VI program to FTA's regional civil rights officer once every three years.

3.0 Requirement for Fixed Route Transit Providers

3.1 System-Wide Service Standards and Policies

Requirement: In accordance with Chapter IV of FTA Circular 4702.1B, fixed route transit providers shall set system-wide service standards and policies for each fixed route mode of service they provide. Service standards and policies shall be developed for the following indicators: (1) vehicle load, (2) vehicle headway, (3) on-time performance, (4) service availability, (5) distribution of transit amenities, and (6) vehicle assignment.

Title 49 CFR part 21, Appendix C, Section (3)(iii) provides, "[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles

assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

Policy: Goodwill adheres to the following Service Standards and Policies for its single fixed route in the Kalaeloa area:

1. Vehicle Load
2. Vehicle Headway
3. On-Time Performance
4. Service Availability
5. Distribution of Transit Amenities
6. Vehicle Assignment

3.2 Vehicle Load

The maximum vehicle load factor is 1.5. No more than 1% of trips may have a vehicle load that exceeds this level for a duration greater than 5 minutes.

3.3 Vehicle Headway

Service operates every 90 minutes or better, seven days a week. On weekdays, service should begin no later than 7:00 a.m. and continue until 7:30 p.m. On weekends, service should begin no later than 8:30 a.m. and continue until 4:00 p.m.

The Kalaeloa Shuttle route was designed to complement Route 415 of the City’s fixed-route bus system and provide service during periods when Route 415 is not operating, including weekends and off-peak times. Service should adhere to the standards above, except during periods when Route 415 of the City’s fixed-route system is operating.

3.4 On-Time Performance

A vehicle is considered “on-time” if it departs the route origin and arrives at the route destination between zero and five minutes late in comparison to the published schedule. At least 80% of all scheduled runs should be completed on-time.

3.5 Service Availability

Goodwill does not have the authority to make decisions regarding the distribution of routes. Goodwill is only contracted to operate service along a single fixed route in the Kalaeloa area as a complement to Route 415 of the City’s fixed-route bus system.

3.6 Distribution of Transit Amenities

Goodwill does not have the authority to make decisions regarding the siting of transit amenities.

3.7 Vehicle Assignment

There are currently two vehicles in the active fleet, including one 15-passenger van and one wheelchair-accessible bus. A minimum of one wheelchair-accessible vehicle will be assigned to this route seven days a week.

4.0 General Reporting Requirements

Chapter III of FTA Circular 4702.1B speaks to the general reporting requirements required of recipients of FTA funding and its subrecipients to ensure that their activities comply with the DOT Title VI regulations and the DOT Guidance on Limited English Proficiency (LEP). Summaries of these requirements and Goodwill's efforts in meeting them are outlined below.

4.1 Annual Title VI Assurance

Applicants shall submit their annual Title VI assurance as part of their annual Certification and Assurances submission to FTA. Recipients shall collect Title VI certification from sub-recipients prior to passing through FTA funds.

Goodwill annually submits its Certifications Form to the City and County of Honolulu, Department of Transportation Services as a subrecipient of Job Access Reverse Commute and New Freedom funds. A sample of the Sub-recipient Annual Certification Form is included in this document as Appendix 1.

4.2 Notifying Beneficiaries of Protection

In order to comply with 49 CFR Section 21.9 (d), recipients and subrecipients shall provide information to beneficiaries regarding their Title VI obligations and appraising beneficiaries of the protections against discrimination afforded to them by Title VI.

Goodwill has established a Policy Statement, per Title VI, for those who are benefiting from services, and/or contracts, funded with federal assistance and has made that Policy Statement available to the public. This Policy Statement addresses Goodwill's commitment to avoiding discrimination on the basis of race, color or national origin. In

addition, Goodwill has developed an Implementation Procedure and Complaint Process that provides the following additional information:

- A description of Title VI and the civil rights protections it affords
- Instructions on how to file a Title VI complaint
- A description of the process for handling complaints and notifying the complainant
- A description of who can file complaints and where to file them

Goodwill's "Policy Statement on Non-Discrimination and Title VI Civil Rights Protections," which includes a public notification of rights, is shown in Appendix 3. All of these documents can be translated into various languages upon request. In addition, Goodwill's Title VI Policy Statement and Implementation Procedure are included on Goodwill's web site at www.higoodwill.org.

Appendix 1: Sub-Recipient Annual Certification Form

SAMPLE TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM (12/2015)

The City and County of Honolulu Department of Transportation Services

This form is to certify compliance with Title VI of the Civil Rights Act of 1964. If your Title VI Plan has been approved by the City and County of Honolulu Department of Transportation Services, all changes to the organization's Title VI Plan which occurred during the current fiscal year (July 1 thru June 30) must be reported on this form. Please attach additional pages, as necessary, to provide a complete response to each question.

Name of Organization			
Name of Title VI Coordinator		Title	
Address			
City	ST	Zip	Telephone
Email			
1	Has your Title VI Coordinator changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator.	YES	NO
2	Has your organization had any transportation projects that have Title VI, LEP, or EJ impacts? If yes, <ul style="list-style-type: none"> • How many? • What have you done to ensure that those populations affected by the project had meaningful access to and involvement in the development process? • What is the number or percentage of LEP or EJ populations who were affected by the project? • How many public involvement meetings did you hold during the reporting period (new projects only)? • If you provide language assistance at any of your public meetings during the reporting period, how many persons received this assistance? 	YES	NO
3	Did you provide reasonable accommodation to persons with disabilities during the reporting period? If yes, how many persons received this assistance?	YES	NO
4	Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please use a separate sheet to provide details regarding each complaint or law suit and the resolution.	YES	NO
5	During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?		
6	Please provide any comments or additional information related to the organization's Title VI Plan.		
<i>The information reported is accurate and reflects all changes to the organization's Title VI Plan for the current fiscal year.</i>			
Name		Title	Date

PLEASE SUBMIT THIS FORM BY SEPTEMBER 30TH OF THE REPORTING YEAR.

Please contact Jared Kerr, Planner, Paratransit Operations Branch (808) 768-8366, or jared.kerr@honolulu.gov if you have questions regarding this Title VI Certification Form.

Appendix 2: Title VI Complaint Procedures

Title VI Complaint Procedure Guidelines

A. SCOPE OF TITLE VI COMPLAINTS

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may individually or through a legally authorized representative make and sign a complaint and file the complaint with Goodwill Industries of Hawaii. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or even their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of our programs for it to be considered and processed as an allegation of a discriminatory practice.

B. GOODWILL TITLE VI PUBLIC NOTICE PROCESS

Goodwill has given assurance for the protection of the general public in accordance with Title VI. Goodwill, by a public notice process, affords the general public an opportunity to formally complain with regard to the Agency's treatment of Agency activities as they may adversely affect some. Public notices relating to Goodwill's Title VI Complaint Procedures shall be published annually in newspapers having a general circulation in the vicinity of proposed projects. As a minimum, such public notice shall contain the following:

1. Goodwill's assurance of compliance with Title VI of the Civil Rights Act of 1964 and Departmental Policy concerning non-discrimination in all Goodwill's activities.
2. Public right to file complaints.
3. One hundred eighty (180) calendar day time limit for filing of complaints.
4. Complaint filing procedure. An example of such "Goodwill's Notice to the Public" is included as Appendix 4.

Title VI, Environmental Justice, and Limited English Proficiency Complaint Form

Rev. June 4, 2015

Title VI, Civil Rights Act, 1964 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." Two Executive Orders extend Title VI protections to Environmental Justice, which also protects persons of low income, and Limited English Proficiency (LEP).

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. If information is needed in another language, please call Goodwill at 808-836-0313. Complete this form and mail or deliver to:

Goodwill Industries of Hawaii, Inc. ATTN: Title VI Coordinator 2610 Kilihau Street Honolulu, HI 96819 www.higoodwill.org (808) 836-0313	<u>OR</u>	Department of Transportation Services - Paratransit Operations Branch City and County of Honolulu Frank F. Fasi Municipal Building 650 King Street, Third Floor Honolulu, HI 96813-3071
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1. Complainant's Name: _____

2. Address: _____

3. City: _____ State: _____ Zip Code: _____

4. Telephone No. (Day): _____ (Evening): _____

5. Person discriminated against (if other than complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

6. What was the discrimination based on? (Check all that apply):

_____ Race/Color

_____ National Origin

_____ Low Income

_____ Limited English Proficiency

7. Date of incident resulting in discrimination: _____

8. Describe how you were discriminated against. What happened and who was responsible?
For additional space, attach additional sheets of paper or use back of form.

9. Did you file this complaint with another Federal, state, or local agency; or with a Federal or state court? (Check appropriate space) _____ Yes _____ No

If answer is yes, check each agency complaint was filed with:

Federal Agency _____ Federal Court _____ State Agency _____
State Court _____ Local Agency _____ Other _____

10. Provide contact person information for the agency you also filed the complaint with:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Date Filed: _____

11. Sign the complaint in the space below. Attach any documents you believe support your complaint.

Complainant's Signature

Signature Date

Goodwill Title VI Complaint Log

DATE: _____ Completed by: _____

Phone: _____

email: _____

Status Action(s) Taken

Date Summary

(Month, Day, Year) (include basis of complaint: race, color, or national origin)

Investigations

- 1.
- 2.

Lawsuits

- 1.
- 2.

Complaints

- 1.
- 2.

Appendix 3: Policy Statement of Non-Discrimination and Title VI Civil Rights Protections

Goodwill Industries of Hawaii, Inc.

Policy Statement on Non-Discrimination

Goodwill Industries of Hawaii, Inc. treats its customers with respect, integrity, and loyalty.

The Board of Directors of Goodwill Industries of Hawaii, Inc., takes this opportunity to express that one of its highest priorities in the area of operating federally-funded transportation programs is to ensure that administration of Goodwill and federally-funded programs administered by Goodwill, operate with the common goal of providing equal opportunity to federally-funded staff and participants.

Goodwill operates its programs without regard to race, color, creed, national origin, religion, sex, sexual preference, marital status, age, medical condition, or disability in accordance with Title VI of the Civil Rights Act, or other applicable law. For more information, contact Goodwill's Administrative Office at (808) 836-0313.

Goodwill will take positive measures toward eliminating architectural barriers, artificial barriers and achieving equal opportunity through its continued implementation of its Affirmative Action Program.

Goodwill will also take positive measures to accomplish its objectives of the program and to ensure that no person is discriminated against because of sex, age, race, creed, color, handicap, religion, national origin, political affiliation or belief, or heritage.

The Board of Directors specifically prohibits any form of sexual harassment within Goodwill, or any federally funded program. Any federally-funded staff member, participant, or applicant to a federally funded program who feels he or she has been discriminated against, should contact Goodwill's Administrative office by telephone at 808-836-0313 or in writing at 2610 Kilihau Street, Honolulu, HI 96819.

Policy Statement on Title VI Civil Rights Protections

The Civil Rights Act of 1964, Title VI, states 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 subjected to discrimination under any program or activity receiving Federal financial assistance."

Goodwill Industries of Hawaii, Inc. is committed to complying with the requirements of Title VI in all of its federally funded programs and activities.

Filing a Title VI Complaint

Persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with Goodwill Industries of Hawaii, Inc. For information on filing a complaint, contact Goodwill's Administrative Office. Complaints must be in writing and must be filed within 180 days following the date of the alleged discriminatory occurrence.

Phone: 808-836-0313

Mail: Goodwill Industries of Hawaii, Inc.

2610 Kilihau Street

Honolulu, HI 96819

Appendix 4: Public Notification

- **Sample Notice to Public**
- **Title VI Poster**



Sample Notice to the Public

- Goodwill Industries of Hawaii, Inc. operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Goodwill Industries of Hawaii, Inc.
- For more information on the Goodwill Industries of Hawaii, Inc. civil rights program and the procedures to file a complaint, go to www.goodwillhi.org
- Complaints must be filed in person or in writing. Complaints should be directed to:
Goodwill Industries of Hawaii, Inc.
Attn: Title VI Officer
2610 Kilihau Street
Honolulu, HI 96819
- A complainant may file a complaint directly with the City and County of Honolulu Department of Transportation Services:
Department of Transportation Services - Paratransit Operations Branch
City and County of Honolulu
Frank F. Fasi Municipal Building
650 King Street, Third Floor
Honolulu, HI 96813-3071
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint at:
Federal Transit Administration, Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, DC 20590

If information is needed in another language, please call Goodwill at 808-836-0313.

日本語 (Japanese):

日本語の通訳が必要な方は、ここを指差してください (通訳費用はかかりません)。

한국어 (Korean):

통역을 필요로 하시면 다음 약속일 전에 반드시 통역이 필요하다고 말씀하셔야 합니다. 비용은 부담않아서도 됩니다.

普通话(华语/國語) (Mandarin): 如果您需要讲普通话的免費翻譯，請指這裡。(如果您需要講國語的免費翻譯，請指這裡。)

廣東話 (Cantonese): 如果您需要講廣東話的免費翻譯，請指這裡。

Hokano: No masapulmo ti paraipatarus iti Hokano nga awan bayadna, pakitudom ditoy.

Tagalog: Kung kailangan mo ng libreng tagasalin sa Tagalog, pakituro lamang dito.

Cebuano (Visayan): Kung kinahanglan nimo ug libre nga tighubad sa Binisaya, itudlo lang diri.

Tiếng Việt (Vietnamese): Xin chỉ vào đây nếu bạn cần thông dịch viên cho ngôn ngữ này (bạn sẽ được cung cấp thông dịch viên miễn phí).



NON-DISCRIMINATION TITLE VI POSTER

Title VI and Nondiscrimination Commitment (FTA):

Pursuant to Title VI of the Civil Rights Act of 1964 and related laws and regulations, Goodwill Industries of Hawaii, Inc. will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color and national origin.

Complaint Procedures:

Goodwill Industries of Hawaii, Inc. has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Goodwill Industries of Hawaii, Inc. Any such complaint must be in writing and filed with Goodwill Industries of Hawaii, Inc. within one hundred eighty (180) calendar days following the date of the alleged discriminatory occurrence. For more information, please contact Goodwill Industries of Hawaii, Inc.

ADA/504 Statement:

Pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations, Goodwill Industries of Hawaii, Inc. will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. Goodwill Industries of Hawaii, Inc. will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access Goodwill Industries of Hawaii, Inc. facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, Goodwill Industries of Hawaii, Inc. asks that requests be made at least five (5) calendar days prior to the need for accommodation. Questions, concerns, comments or requests for accommodation should be made to Goodwill Industries of Hawaii, Inc.

Accommodation services are provided free without charge for individuals with special needs with disabilities. Any fees will be paid by the recipient or subrecipient. The public will have access to translators, TTY/TDD services and vital documents translated when requested.

If information is needed in another language, please call Goodwill at 808-836-0313.

日本語 (Japanese):

日本語の通訳が必要な方は、ここを指差してください (通訳費用はかかりません)。

한국어 (Korean):

통역을 필요로 하 시면 다음 약속일 전에 반듯이 통역이 필요하다고 말씀하셔야 합니다. 비용은 부담않하셔도됩니다.

普通话(华语/國語) (Mandarin): 如果您需要讲普通话的免费翻译，请指这里。(如果您需要講國語的免費翻譯，請指這裡。)

廣東話 (Cantonese): 如果您需要講廣東話的免費翻譯，請指這裡。

Ilokano: No masapulmo ti paraipatarus iti Ilokano nga awan bayadna, pakitudom ditoy.

Tagalog: Kung kailangan mo ng libreng tagasalin sa Tagalog, pakituro lamang dito.

Cebuano (Visayan): Kung kinahanglan nimo ug libre nga tighubad sa Binisaya, itudlo lang diri.

Tiếng Việt (Vietnamese): Xin chỉ vào đây nếu bạn cần thông dịch viên cho ngôn ngữ này (bạn sẽ được cung cấp thông dịch viên miễn phí).

**RESOLUTION OF THE BOARD OF DIRECTORS OF
GOODWILL INDUSTRIES OF HAWAII, INC.**

RESOLVED, that Goodwill Industries of Hawaii, Inc., working in collaboration with the City and County of Honolulu, Department of Transportation Services, provides transportation services under the auspices of two Mobility Management projects, Agency Provided Trips and Kalaeloa Shuttle;

FURTHER RESOLVED, that the projects receive Federal Transit Administration (FTA) funds and must comply with regulations of Title VI of the Civil Rights Act of 1964;

FURTHER RESOLVED, that Goodwill Industries of Hawaii, Inc. has implement a Title VI program to be in compliance with federal regulations;

NOW, THEREFORE BE IT RESOLVED that during a regularly called meeting on November 24, 2015, the Board of Directors of Goodwill Industries of Hawaii, Inc. (the "Corporation") approved the Title VI program.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this 24th day of November 2015.



Gwen Pacarro
Secretary of the Board
Goodwill Industries of Hawaii, Inc.

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: Title VI

Deficiency: D-304 Inadequate written fare and service change equity analysis procedures

Corrective Action: Submit to the FTA Region IX and X Civil Rights Officers policies for major service change, disparate impact, or disproportionate burden, along with procedures for implementing these policies.

Action Taken: Developed policies and procedures.

Attachments:
FTA Title VI Program Concurrence Letter
Policies & Procedures



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

REGION IX

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

September 30, 2015

Michael Formby, Director
Department of Transportation Services/Public Transit Division
City and County of Honolulu
650 South King Street, 3rd Floor
Honolulu, HI 96813

Via email: MFORMBY@HONOLULU.GOV

Re: Title VI Program Concurrence- City and County of Honolulu (Recipient ID: 1703)

Dear Mr. Formby:

This letter is to confirm that we received City & County of Honolulu's Revised Title VI program on September 24, 2015. This submission is required pursuant to Title VI of the Civil Rights Act of 1964; Title 49, Chapter 53, Section 5332 of the United States Code; and the Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Requirements and Guidelines for Federal Transit Administration Recipients," dated October 1, 2012.

We have reviewed your program and determined that it meets the requirements set out in the FTA's Title VI Circular, 4702.1B. Please plan to submit a Title VI program by **June 1, 2016**. Your Title VI program will expire 60 days after the due date, on **July 31, 2016**. If we have not received all required information by the time your Title VI program expires, MTS may experience delays in processing grants or draw-down restrictions.

Title VI programs should be submitted by attaching them to your Recipient Profile in FTA's TEAM-Web. Please delete any version of the program in TEAM that this submission is replacing. When saving the document in TEAM, include the current date in the file name so we know we are reviewing the most recent correction/submission. For example: "Title VI Program submitted 4-1-15."

If you have any difficulty attaching the program in TEAM, you may contact the TEAM Helpdesk at (888) 443-5305 or via e-mail at Team.Helpdesk@dot.gov. Once the program is attached, please notify your Regional Civil Rights Officer.

Thank you for your ongoing cooperation in meeting all of the FTA civil rights program requirements. In order to preserve paper, we are issuing this letter electronically via email and attached to your profile in TEAM. A hard copy will not follow in the mail. Please do not hesitate to contact me directly at (202) 774-8867 or at aida.douglas.ctr@dot.gov if you have any questions.

Sincerely,

Aida B. Douglas, Civil Rights Program Analyst
FTA Office of Civil Rights

cc: Leslie Rogers, Region IX Regional Administrator, FTA
Monica McCallum, Regional Division Chief, FTA Office of Civil Rights
Lynette Little, Region IX Civil Rights Officer, FTA
Sandra Abelaye, City and County of Honolulu (Electronic)

PUBLIC TRANSIT DIVISION

CATEGORY: ADMINISTRATION	Index Code: 7-1.13 Page 1 of 4
SUBJECT: DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies	
REFERENCE: FEDERAL TRANSIT ADMINISTRATION MASTER AGREEMENT, CERTIFICATIONS AND ASSURANCES, CIRCULAR 4702.1.B	
PURPOSE: To establish DTS Public Transit Division (PTD) policies and procedures to evaluate all major service changes and all fare changes as required under the Federal Transit Administration (FTA) Title VI requirements in Circular FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, and any subsequent revisions thereto. In order to comply with FTA requirements, DTS-PTD is required to develop and adopt Major Service Change, Fare Change, Disparate Impact, and Disproportionate Burden Policies and Procedures to evaluate the impact on minority and low-income passengers.	
<u>POLICIES</u>	
<p>The PTD shall be responsible for conducting the service and fare equity analyses during the planning process, prior to implementing major service and/or fare changes, to determine whether the adverse effects of the planned changes will have a disparate impact on minority populations on the basis of race, color, or national origin and/or a disproportionate burden on low-income populations.</p>	
<p>1. Major Service Change Policy</p> <p>All "major" service changes will require a Service Equity Analysis for Title VI purposes during the planning process prior to implementation. Service change proposals that do not meet the criteria for "major" may be subject to an appropriate level of public review and comment. Proposed service changes are submitted to DTS-PTD Service Review Committee for review and approval. Service changes are typically implemented on a quarterly basis in March, June, September, and December.</p>	
<p>The following are considered "major" service changes:</p> <ul style="list-style-type: none">• A change that will affect system wide bus services by more than 10% including but not limited to:<ul style="list-style-type: none">○ establishing new routes,○ extending or modifying existing routes,○ modifying span of service/hours of operation or revenue hours,○ modifying service headway/frequency or availability• Eliminating route segments or entire routes from any community.	
<p>The following service changes are not considered "major" and do not require Service Equity Analyses.</p> <ul style="list-style-type: none">• Special event service;	

PUBLIC TRANSIT DIVISION

SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies

Index Code:
7-1.13 Page 2 of 4

- Routing changes due to construction or other road closures; and
- Special service operated during emergencies.

2. Fare Change Policy

All fare changes (increase or decrease), except the following, will require a Fare Equity Analysis for Title VI purposes during the planning process prior to approval/adoption by the Honolulu City Council and subsequent implementation.

- Special event, such as "Dump the Pump Day" or other instances when fare-free has been declared for all passengers.
- Temporary fare reductions that are mitigating measures for other actions, such as construction activities closing a segment of a rail system for a period of time, requiring passengers to alter their travel patterns. A reduced fare for these passengers is a mitigating measure.
- Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six (6) months, FTA considers the fare reduction permanent and a fare equity analysis must be conducted.

3. Disparate Impact Policy

As defined by FTA:

"Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission."

DTS-PTD determines disparate impact when adverse effects of major service and/or fare changes disproportionately affects minority populations based on race, color, or national origin more than non-minority populations.

A "disparate impact" occurs when the threshold for determining adverse effects of planned changes on minority populations exceeds a 10% difference between the proportion of the total minority and non-minority population or ridership and the proportion of the affected minority and non-minority population or ridership.

PUBLIC TRANSIT DIVISION

SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies

Index Code:
7-1.13 Page 3 of 4

4. Disproportionate Burden Policy

As defined by FTA in Circular 4702.1B:

"Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.

The policy shall establish a threshold for determining when adverse effects of service or fare changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission."

DTS-PTD determines disproportionate burden when adverse effects of major service and/or fare changes disproportionately affects low-income populations more than non-low-income populations.

A "disproportionate burden" occurs when the threshold for determining adverse effects of planned changes on low-income populations exceeds a 10% difference between the proportion of the total low-income and non-low-income population and the proportion of the affected low-income and non-low-income population.

PROCEDURES

- Before approving or implementing any planned changes, DTS-PTD will evaluate the impacts of the change(s) on minority and/or low-income populations by conducting a service and/or fare equity analysis to determine if the adverse effects have a disparate impact or disproportionate burden.
- If the equity analysis determines that there is no disparate impact to the affected minority population and/or no disproportionate burden to the affected low-income population, DTS-PTD will continue the planning/implementation process of the proposed change.
- If the equity analysis determines that there is a disparate impact to the affected minority population and/or a disproportionate burden to the affected low-income population, DTS-PTD will review/revise planned changes to avoid, minimize, or mitigate such impacts and conduct another equity analysis on the revised changes to determine that the revised changes do not disproportionately affect minority and/or low-income populations more than non-minority and/or non-low-income populations.

PUBLIC TRANSIT DIVISION

**SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies**

**Index Code:
7-1.13 Page 4 of 4**

- If DTS-PTD chooses not to alter the proposed changes despite the potential disparate impact and/or a disproportionate burden on minority/low-income populations, or if DTS-PTD finds, even after revisions, that minority/low-income riders will continue to bear a disproportionate share of the proposed changes, the change may be implemented only if:
 - there is a substantial legitimate justification for the proposed change, **and**
 - it can be demonstrated that there are no alternatives that would have a less disparate impact on minority/low-income riders but would still accomplish legitimate program goals.

In order to make this choice, DTS-PTD must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on minorities/low-income riders, and then implement the least discriminatory alternative.

ADOPTED


MICHAEL D. FORMBY, Director

Amendment _____

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: Title VI

Deficiency: D-304 Inadequate written fare and service change equity analysis procedures.

Corrective Action: Submit to the FTA Region IX and X Civil Rights Officers evidence of public engagement to develop the policies and procedures associated with fare and major service changes.

Action Taken: DTS, through the Neighborhood Commission, informed the Neighborhood Boards (NB) of the Title VI Program (including the policies & procedures) and DTS' availability to conduct a presentation at NB meetings. Presentations were made at ten (10) NB. A Public Hearing was also held since not all NB requested a presentation. The Title VI Program was also posted on the DTS and OTS websites. DTS contact information (phone number, email & physical addresses) was provided for questions and comments from the public.

Attachments:
Neighborhood Board Commission email
Neighborhood Board minutes
Public Hearing notice (StarAdvertiser newspaper)
Public Hearing minutes
Website pages

Neighborhood Board Commission Email

Updates on Mayor Caldwell's 5 Priorities

Priority	Updates
Bus	No updates at this time
Road Repairs	No updates at this time
Sewers	No updates at this time
Parks	No updates at this time
Rail	*leave this for the HART representatives

Press Announcements & Upcoming Events

Date	Event	Description
Tuesday September 1, 2015	Title VI Program Report Public Hearing-- Department of Transportation Services Public Transit Division (DTS-PTD) @10:00am -- Mission Memorial meeting room	<p>As a recipient of Federal Transit Administration (FTA) funds, DTS-PTD is required to comply with FTA requirements that prohibit discrimination on the basis of race, color, national origin, gender, or disability in all programs, activities, and services.</p> <p>DTS-PTD must submit a Title VI Program report to FTA every three years. DTS-PTD is in the process of finalizing the report and welcomes any public participation/input. All public input regarding the report will be included in the final version that is submitted to the FTA.</p> <p>For more information call 768-8374, email thebusstop@honolulu.gov, or visit http://www.thebus.org/AboutTheBus/DraftTitleVIProgram.asp</p>

Abelaye, Sandra

From: Lindsey, Patricia
Sent: Friday, August 7, 2015 2:22 PM
To: Tomita, Yoko O
Cc: Mark, Eileen Y.; Abelaye, Sandra; Moir, Glenn; Rodriguez, Jose
Subject: Title VI public mtg announcement in NB reports

See attached NB report – Press Announcements & Upcoming Events. Title VI will be included in all 36 NB reports for month of August.

From: Lindsey, Patricia
Sent: Friday, July 31, 2015 9:21 AM
To: Tomita, Yoko O
Subject: FW: Title VI - NBs & public meeting

I'll forward a copy of an August NB report when I get it.

From: Proctor, Catherine
Sent: Friday, July 31, 2015 8:37 AM
To: Lindsey, Patricia
Subject: RE: Title VI - NBs & public meeting

This is PERFECT!!!

From: Tomita, Yoko O
Sent: Thursday, July 30, 2015 3:40 PM
To: Lindsey, Patricia; Rodriguez, Jose; Steiner, Crysttal; Moir, Glenn
Subject: RE: Title VI - NBs & public meeting

Hi Tricia,

Please see below.

Date	Event	Description
Tuesday September 1, 2015	Title VI Program Report Public Hearing– Department of Transportation Services Public Transit Division (DTS-PTD) @10:00am – Mission Memorial meeting room	As a recipient of Federal Transit Administration (FTA) funds, DT required to comply with FTA requirements that prohibit discrimin the basis of race, color, national origin, gender, or disability in al programs, activities, and services. DTS-PTD must submit a Title VI Program report to FTA every th years. DTS-PTD is in the process of finalizing the report and we any public participation/input. All public input regarding the repo included in the final version that is submitted to the FTA. For more information call 768-8374, email thebusstop@honolulu visit http://www.thebus.org/AboutTheBus/DraftTitleVIProgram.as

Thank you,
Yoko

From: Lindsey, Patricia
Sent: Thursday, July 30, 2015 11:29 AM
To: Tomita, Yoko O; Rodriguez, Jose; Steiner, Crysttal; Moir, Glenn
Subject: RE: Title VI - NBs & public meeting

OK you guys – figure out what you want stated and it will included on all NB reports for August – see sample below. Send back to me and I'll forward on to Catherine (since I have to keep track of NCO stuff).

*Mahalo,
 Tricia*

From: Proctor, Catherine
Sent: Thursday, July 30, 2015 11:20 AM
To: Lindsey, Patricia
Cc: Tomita, Yoko O; Rodriguez, Jose; Steiner, Crysttal; Moir, Glenn
Subject: RE: Title VI - NBs & public meeting

Hi there,

Perfect! Yes I will touch base with those that were confirmed but did not list on the agendas regarding getting the information materials.

If you want me to add the announcement on the Mayor's Report I can just send me info that you would like to be included. I have the details (date, time, location) just need a description (see example below).

Date	Event	Description
10 Wed. Jun. 3 – Aug. 5	The Wildest Show in Town – Summer concert series at the Honolulu Zoo	<ul style="list-style-type: none"> • Keiki Coloring Kontest • Animal themed Legos by HI Lego Users Group • Mini-guided tour for the first 30 registrants • Delicious plate lunches and snacks will be available • Live Local Entertainment • 1 Ukulele giveaway each week to a child under 12 <p>For more information call 926-3191 or visit www.HonoluluZoo.org.</p>
June – July	2015 Twilight Summer Concert Series	<p>Every Thursday of June and July</p> <p>Take a stroll through Foster Botanical Garden in the late afternoon enjoy a concert from 5:45 pm to 6:30 pm.</p> <p>Free admission – 4 pm to 7 pm</p>

Catherine

From: Lindsey, Patricia
Sent: Thursday, July 30, 2015 11:10 AM
To: Proctor, Catherine
Cc: Tomita, Yoko O; Rodriguez, Jose; Steiner, Crysttal; Moir, Glenn
Subject: Title VI - NBs & public meeting

Catherine,

Title VI presentation is confirmed for Kaimuki NB 4 on August 19. Public Transit staff will continue to present at NBs, however there were a few dates that were confirmed but DTS was not on the agenda – see attached spreadsheet. In addition to these presentations, a public notice was published announcing a Title VI public information meeting on September 1st at 10:00am – Mission Memorial meeting room. This will give the community another option to obtain info. Can we ask the NBs to announce this through August?

Please check w/ those NBs that confirmed but didn't put us on the agenda. Perhaps they may want the information material only.

*Mahalo,
Tricia*

From: Proctor, Catherine [mailto:cproctor@honolulu.gov]
Sent: Monday, June 1, 2015 4:02 PM
To: Undisclosed recipients:
Subject: Request to Present to NBs by DTS
Importance: High

Aloha Chairs,

The Department of Transportation Services Public Transit Division would like to present to your Neighborhood Board during the summer months regarding TheBus Title VI Program(details below). They have proposed the attached schedule.

Title VI description: DTS is obligated to ensure that under Title VI of the Civil Rights Act of 1964, no person on O'ahu shall on the ground of race, color, or national origin, including Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Transit Administration (FTA). Prior to finalizing TheBus Title VI Program and its contents, DTS is requesting input from the general public, including interested parties, minority, and LEP persons.

Time schedule: Yes (attached is the proposed meeting schedule for DTS presentations)

Please let me know at your earliest convenience if you are planning on adding the above presentation to your agendas.

Mahalo,

Catherine Proctor
Public Relations Assistant
Neighborhood Commission Office
Phone: 768-3716
Fax: 768-3711
email: cproctor@honolulu.gov

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Neighborhood Board Minutes

Community Association noted that she had sent in written testimony, which stated that the Aina Haina Community Association's Board of Directors opposes any limitations to public testimony or questions. Lajala reiterated that the time limit should be established by rule. Art Mori, a member of the Aina Haina Community Association and former member of the Kuli'ou'ou-Kalani Iki Neighborhood Board No. 2, commented that there were many restrictions with the neighborhood board system and the adoption of testimony rule is one of those restrictions.

Vice Chair Stamm stated that since there are no motions regarding this item, the Board will move on to the next agenda item.

PRESENTATIONS:

Department of Transportation Services, Public Transit Division: Title VI Policy: Yoko Tomita from DTS gave a report regarding Title VI, and presented the following: Title VI Report: A consultant was hired to evaluate how DTS complied with Title VI. The results are in the report. It was concluded that DTS Public Transit Division's services and programs were equally available to the public regardless of race, color, national origin, gender, or disability. Public comments are welcome. Forms are available for public comments, and the comments will be included in the final report.

Questions, comments, and concerns followed:

1. Online Availability: Vice Chair Stamm asked and Tomita replied that the report is available online.
2. Wheelchair Accessibility to TheBus: Starr commented that there is not enough access space for wheelchair users to get onto TheBus or occasionally, TheBus does not "kneel" properly. DTS representative Eileen Mark commented that Starr's issue relates to ADA compliance, and asked Starr to write down her complaints so that DTS can investigate. Starr commented that it is not practical, but it is accessible, and that she would list 99% of the bus stops as not "practical". Vice Chair Stamm encouraged Starr to write a letter to DTS. Mark replied that every year, 30-60 locations are improved to comply with ADA standards. Lajala asked and Mark replied that there are 4,000 bus stops and 18 staff members. Lajala commented that the public should help in identifying bus stops that need attention.
3. Cost of Draft: Greig asked and Mark replied that approximately \$40,000 were spent to produce the draft.
4. TheBus Malfunctions: Community member Jeanne Ohta asked where to report TheBus malfunctions. Mark replied TheBus riders can call or email DTS with the bus number and route and approximate time.

REPORTS OF MEMBERS' ATTENDANCE AT OTHER MEETINGS: There were no reports.

ELECTED OFFICIALS:

Mayor Kirk Caldwell's Representative: Deputy Director Ian Santee, City Department of Emergency Services reported the following:

- Road Repairs: Construction is ongoing for the rehabilitation of localized streets project in the Portlock area.
- Aina Haina Community Park: Reroofing of the recreation building at Aina Haina Community Park went out to bid and is pending award.
- Kuli'ou'ou Neighborhood Park: The comfort station renovations and ADA walkway connection to the tennis courts at Kuli'ou'ou Neighborhood Park went out to bid and is pending award.
- Wildest Show in Town: The summer concert series, the Wildest Show in Town, is showing at the Honolulu Zoo from Wednesday, June 3, 2015 to Wednesday, August 5, 2015.
- Twilight Summer Concert Series: The Twilight summer concert series will be held every Thursday through June and July 2015 at the Foster Botanical Garden from 5:45 p.m. to 8:30 p.m. Admission is free.
- Slide Lots on Leighton and Ailuna Streets: There was no work performed at the Aina Haina vacant slide lots by the City Department of Facility Maintenance (DFM) on any Sunday. On Monday, May 25, 2015, (Memorial Day), DFM crews worked overtime to cut overgrowth at certain vacant slide lots in response to complaints to the heavy overgrowth and grass overgrowth on fire hydrants. DFM crews also worked during that week to cut and remove the grass cutting. Due to limited manpower resources and large work backlog, the threat of fire was considered an emergency condition that needed to be addressed as soon as possible. DFM will review its overtime practices, and will further scrutinize overtime work in the district as requested by the Board.
- Nenuē Street: Regarding a previous safety issue concerning Nenuē Street, the issue is under State jurisdiction.

Discussion followed:

1. Clarification: Chair Turbin clarified that the petition that is being passed around is for residents living on Kauai Place who are in opposition of T-Mobile's plan to install a 65' telecommunications facility at The Arc.
2. Fee: Au asked for confirmation if T-Mobile is paying The Arc \$5,000 per month as part of the deal. Hatch replied that the amount is undisclosed. Community member Arnold Brady commented that representatives from Avalon and T-Mobile said at the last meeting that they were unable to disclose the amount.
3. Support by J. Pyles and Dudgeon: J. Pyles and Dudgeon voiced support for the opposition of the T-Mobile's proposed plan.
4. Avalon Development: Lori Chan introduced herself as a representative for Avalon Development. Chan reported that the amount is still being negotiated between T-Mobile and The Arc.
5. Location: Fukuda asked if there are void areas of coverage, and if The Arc is the only location being considered by Avalon Development. Chan replied that The Arc is the preferred location. Jason Healey from T-Mobile explained more about the decision for the location. Chan circulated maps of the proposed plan.
6. Kaimuki: Chair Turbin asked if the telecommunications tower can be placed in Kaimuki. Healey replied no.
7. Telecommunication Poles: Resident Martin Hsia commented that residents including himself do not want to see telecommunication poles.
8. Height Limit: Chan commented that there is a height limit in the Diamond Head Special District, but there are exemptions that may apply to the proposed plan.

J. Pyles moved and Dudgeon seconded that the Waialae-Kahala Neighborhood Board No. 3 pass a resolution to support residents in keeping the characteristics of the neighborhood.

Discussion followed: Clarification: Chair Turbin clarified that the resolution would be in support of the residents in the Diamond Head Special District who are opposed to T-Mobile's proposed plans to install a 65' telecommunications facility located at 5989 Diamond Head Road, and request DLNR to force its lease with The Arc and not disrupt the view planes of Diamond Head.

The motion was ADOPTED by MAJORITY CONSENT, 5-1-0 (AYE: Dudgeon, Fukuda, Himeda, Pyles, and Turbin; NAY: Au; ABSTAIN: None).

Department of Transportation Services, Public Transit Division: Title VI Policy: Marisa Ideta from DTS provided a hardcopy draft report regarding Title VI, and presented the following: Title VI Report: Every three (3) years, DTS is required to report to the Federal Transit Administration (FTA) on how its services and programs were equally available to the public regardless of race, color, national origin, gender, or disability. Forms are available for public comments, and the comments will be included in the final report. There will be a public hearing regarding this issue on Tuesday, September 1, 2015 at 9:30 a.m. at the Mission Memorial Building. The deadline for public comments is Tuesday, September 15, 2015. The date for submitting the final draft to the City Council is in October 2015 and to the FTA in December 2015.

Approval of the June 18, 2015 Regular Meeting Minutes – The Waialae-Kahala Neighborhood Board No. 3 regular meeting minutes of June 18, 2015 were APPROVED, as amended, by MAJORITY CONSENT, 5-0-1 (AYE: Au, Dudgeon, Fukuda, Himeda, Pyles; NAY: None; ABSTAIN: Turbin). Amendment: Page 3, under Illegal Use of Diamond Head Park Land: Should read "...regarding an issue with a neighbor who privatized Diamond Head State Monument."

OTHER REPORTS

- Treasurer's Report – Dudgeon read the Treasurer's report and noted expenditures of \$15.84 and final remaining balance of \$239.64. The report was filed.
- Oahu Heart Walk: Chair Turbin announced that flyers on the 22nd annual Oahu Heart Walk is available at the meeting.

ANNOUNCEMENTS

- Next Meeting: The next regular meeting of the Waialae-Kahala Neighborhood Board No. 3 is scheduled for Thursday, September 17, 2015, 7:00 p.m. at the Wesley United Methodist Church.

ADJOURNMENT: The meeting adjourned at 9:05 p.m.

Submitted By: Uyen Vong, Neighborhood Assistant
Reviewed and Finalized By: Richard Turbin, Chair

Reviewed By: Jordan Ozaki, Neighborhood Assistant

7. Leasing: Yamada asked and Kratzke responded that he oversees the property, and there is no charge or rental fee to use the theatre. Yamada asked and Kratzke replied that the kitchen will be connected to the Pottery.
8. Homeless: Perry asked if Kratzke is allowing homeless people to use the facilities at Queen's Theatre. Kratzke stated that no one is living at the Queen's Theatre, but there are artists who work at night.

OLD BUSINESS:

Envision Kaimuki: Schneider reported the following: The next Envision Kaimuki meeting will be held on Tuesday, August 25, 2015, 6:00 p.m. to 8:00 p.m. at Kaimuki Christian Church, Fellowship Hall. Updates will be available from Kapiolani Community College (KCC), Department of Transportation Services (DTS), Department of Planning and Permitting (DPP), and Transit-Oriented Development (TOD) representatives. Community input is welcomed.

Chair Bullock moved and Hoe seconded to add the creation of Envision Kaimuki Committee to the agenda. The motion was ADOPTED UNANIMOUSLY by SHOW OF HANDS, 9-0-0 (AYE: Bullock, Hagadone, Hoe, Kang, Moniz-Kahoohanohano, Peralta, Ross, Schneider, and Yamada; NAY: None; ABSTAIN: None).

Chair Bullock requested two (2) community volunteers, and noted that resident James Larson had previously indicated that he would like to volunteer. Resident Michael Kratzke volunteered. Schneider noted that resident Joy Davidson would like to volunteer. Chair Bullock reiterated that the Envision Kaimuki Committee will consist of Board members Peralta, Schneider, Walter, and residents Michael Kratzke, James Larson, and Joy Davidson. Chair Bullock appointed Schneider as Chair of the Envision Kaimuki Committee.

Chair Bullock moved and Hoe seconded the motion for the creation of the Envision Kaimuki Committee consisting of Board members Peralta, Schneider, Walter, and residents Michael Kratzke, James Larson, and Joy Davidson.

The motion was ADOPTED UNANIMOUSLY by VOICE VOTE, 9-0-0 (AYE: Bullock, Hagadone, Hoe, Kang, Moniz-Kahoohanohano, Peralta, Ross, Schneider, and Yamada; NAY: None; ABSTAIN: None).

A resident who identified herself as Kratzke's wife commented that Kratzke turned down a \$74 million development project to replace Queen's Theatre.

NEW BUSINESS

TheBus Title VI Program: Marisa Ideta from the City Department of Transportation Services (DTS) reported the following: The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, gender, or disability. The Federal Transportation Administration (FTA) requires the City to ensure that the level and quality of the public transit service is provided in a non-discriminatory manner. There is a public hearing on Tuesday, September 1, 2015, 10:00 a.m. at the Mission Memorial Building. The deadline for written comments is Tuesday, September 8, 2015 at 4:00 p.m. The final draft will be submitted to the City Council in October 2015, and to the FTA in December 2015.

Questions, comments, and concerns followed: Funding: Hagadone asked for the total funding from the federal government for the Title VI Program. Eileen Mark from DTS replied that the funding for maintenance is \$21 million. Mark also added that there are also federal funding to purchase new buses and vans. Hagadone asked and Mark replied that public transit is not self-sufficient. Mark noted that community forms are available at the table.

Hawaii Hazards Awareness and Resilience Program (HHARP): Formation of Kaimuki Ready: Scot Shimamura circulated a humanitarian daily ration (HDR), and introduced Shelly Kunishige. Kunishige reported the following: Kunishige is the former spokesperson for HEMA which is formerly the Hawaii State Civil Defense. HHARP is an 18-month program; it has been successful in Waimanalo, which received recognition as a storm-ready community. HHARP's ultimate goal is to have a disaster preparedness plan for each community.

Questions, comments, and concerns followed:

1. Kaimuki: Hagadone asked if there is a disaster plan for Kaimuki. Kunishige noted that Kaimuki is not in the normal tsunami evacuation zone, but was unsure about the extreme evacuation zone. Kunishige further noted that the entire island is disaster-ready, but certain communities may need additional preparedness.
2. Board Action: Chair Bullock asked what the Board can do. Kunishige noted that support to the community facilitator is essential. Shimamura would like the board's endorsement. Chair Bullock noted that it should not be an issue.

American Heart Association Oahu Heart Walk – Jacqui Phenicie had distributed a flyer on road closures and parking restrictions and departed the meeting. Chair West mentioned that Neighborhood Assistant Ho had e-mailed the flyer to Board members and the e-distribution list.

Proposed Lot Width Variance, 3257/3253 Olu Street – Dennis Silva had a three (3)-page handout on the requested variance. The request is to ask for a one and a half (1.5) foot variance of the 50-foot requirement. Upon filing, the variance request will go to public hearing. No Board action was taken.

Culinary Institute of the Pacific at Diamond Head – Carol Hoshiko mentioned that Jacobsen Construction is from the Big Island of Hawaii. After an archeological monitoring plan is done, then clearing of the land at the former Cannon Club site can begin. Permits were issued in June 2015 and Monday, September 14, 2015 is the estimated start of construction. The expansion will take place in phases and updates will be provided. On a personal note, Hoshiko thanked the voters in the recent Neighborhood Board elections. Although she was elected to the Board in Subdistrict 3 (Diamond Head), she had to resign her seat, as she was moved out of her house, which was being renovated and out the district. However, Hoshiko still works at Kapi'olani Community College (KCC) and is able to report back periodically. Miller added that the Board appreciated Hoshiko running for the Board.

Light Lei/Pedestrian Safety – Lyle Tenjoma, a dentist by profession and inventor, mentioned that pedestrians, walkers, and bicyclists are invisible to drivers. Tenjoma demonstrated his light-emitting diodes (LED) lei. Armentrout asked and Tenjoma answered that he has visited other communities, but has not reached out to the bicycling community yet.

PRESENTATIONS

TheBus Title VI Program – Jose Rodrigues from the Department of Transportation Services Public Transit Division explained that because DTS receives federal funds for TheBus and The Handi-Van, it must comply with the anti-discrimination provisions of the Title VI regulations. Rodrigues distributed one (1) "hard copy" of the draft report. Electronic copies are available. The public hearing will be on Tuesday, September 1, 2015, and the public comment period goes to Tuesday, September 15, 2015 with the final draft is due out in December 2015. Public input is welcomed and forms are available tonight.

Bill 82, Waikiki Improvement District Update – Rick Egged of the Waikiki Improvement Association (WIA) was not present. He had told Chair West that he had nothing new to report and wanted to wait until the next WIA meeting. Matson mentioned that the Office of Information Practices (OIP) had notified the Board that the WIA came under the OIP and required six (6)-day public notice. Matson had spoken with Egged and requested notification of the meetings. Matson suggested checking the website for notice of the meetings.

BOARD BUSINESS

Approval of May 14, 2015 Regular Meeting Minutes – Chair West asked for a motion to approve the May 14, 2015 regular meeting minutes. **Miller moved and Allen seconded that the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 approves the May 14, 2015 regular meeting minutes as circulated. As there were no objections, the motion was ADOPTED by UNANIMOUS CONSENT 13-0-0 (AYE: Allen, Armentrout, Matson, Miller, Naho'opi'i, Narita, Peralto, Persons, St. Denis, Villers, Waialeale, West, and Wong; NAY: None; ABSTAIN: None).**

Creation of Board Committees and Members

Designation of Committee Chairs by Board Chair

Subdistrict 1 (St. Louis Heights) – Armentrout nominated Julie Allen to be Subdistrict 1 Chair and Miller seconded the nomination. **As there were no other nominations or objections, the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 elected Julie Allen to be the Chair of Subdistrict 1 by UNANIMOUS CONSENT 13-0-0 (AYE: Allen, Armentrout, Matson, Miller, Naho'opi'i, Narita, Peralto, Persons, St. Denis, Villers, Waialeale, West, and Wong; NAY: None; ABSTAIN: None).**

Subdistrict 2 (Kapahulu) – Miller nominated Bertha Naho'opi'i to be Subdistrict 2 Chair and St. Denis seconded the nomination. **As there were no other nominations or objections, the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 elected Bertha Naho'opi'i to be the Chair of**

Governor David Ige's Representative: No representative was present; No report was provided.

State House Speaker Emeritus (HSE) Calvin Say: HSE Say circulated a newsletter and reported the following:

- Saint James Church: Following reports of illegal activity at the vacated Saint James Church property, the owners of the property were contacted and have agreed to tow abandon cars, install a chain to prevent access from Pālolo Avenue, and have staff check the site two (2) to three (3) times a week.
- Transformer Replacement: There are helicopters flying in the valley as transformers are being replaced in the Pukele substation at the end of Myrtle Street.
- Ant Infestation at Pumping Station: A constituent reported an ant infestation at the BWS pumping station off of Carlos Long Street, BWS was informed, and an exterminator was contracted.
- Site Visit: HSE Say along with Councilmember Kobayashi, Representative Isaac Choy, and Representative Scott Nishimoto attended a site visit under Interstate H-1 (H-1) near Market City where there are about 20 tents. A letter was sent to the Department of Transportation (DOT) highways division who has jurisdiction of the highway areas under the H-1.

Questions, comments, and concerns followed:

1. Fines: Holtrop asked and HSE Say answered not knowing if the owners of Saint James Church were being fined for the illegal activity on the property.
2. Homelessness: Shiraki noted that the people responsible for Representative Brower's injuries should be prosecuted. Shiraki also showed a satirical comic in the Honolulu Star Advertiser that depicted the incident and expressed that the comic was distasteful. HSE Say commented on the difficulty of finding locations for safe zones for the homeless.

Senator Les Ihara, Jr. – Senator Ihara, Jr. reported the following:

- Legislative Task Force: There is a legislative task force on homelessness. The meetings are open to the public. The next meeting will be on Thursday, July 30, 2015 at 11:30 a.m. in the State Capitol conference room 229. Contact Senator Ihara to get on the task force email list.

Questions, comments, and concerns followed:

1. Task Force Focus: Holtrop asked and Senator Ihara replied that he did not know the current strategy of the task force, but would send the agenda. There is a dedicated Senate committee on housing and there have been major funding towards affordable housing. A resident commented that the conversion of retired buses into homeless shelters is positive step towards addressing homeless issues.
2. Medical Marijuana: Shiraki asked and the Senator answered that there are no updates to the medical marijuana dispensary bill. The bill states that there will be eight (8) permits with each permit allowing 6 (six) dispensaries.

RESIDENTS/COMMUNITY CONCERNS: First LAP: Resident Matthew Taufetee, Executive Director of First LAP (Life After Prison) spoke about the program which houses and mentors former prison inmates and helps them become productive members of the community. First LAP's "Peacemakers" program partners with schools to help prevent students from becoming involved in gangs.

Questions, comments, and concerns followed: Convenience Store: Hack asked about donations to the family of the victim of the recent shooting. Taufetee noted that people are partying outside of the store in remembrance of the victim and noted plans to discourage that behavior.

PRESENTATIONS

Department of Transportation Services (DTS), Public Transit Division – Yoko Tomita distributed comment forms and presented the following: Title VI Program and Study: DTS underwent an evaluation by a contractor who examined environmental justice routes, ethnic breakdown, frequency of use, age, gender, income, disability, system wide service standards, and distribution of transit amenities and vehicle assignments. The evaluation found that DTS is in compliance with Title VI requirements and does not discriminate based on race, color, income, or national origin. A copy of the report and additional information on how to submit comments may be found on the DTS website.

Waikiki Health Center – Jason Espero, Director of Care-A-Van distributed Care-A-Van postcards and announced the following: New Clinic: The clinic located off of Waiālae Avenue and Saint Louis Drive at 3020 Waiālae Avenue is now open to the general public. The clinic provides primary medical care, health screenings, Tuberculosis (TB) testing, physical exams, vaccinations, sexually transmitted disease (STD) testing,

key. Representative. Kong answered that properties are found through the State Department of Transportation (HDOT) and the City. Information is being gathered.

BOARD MEMBERS' ATTENDANCE AT OTHER MEETINGS: Chair Clark explained that in the past one less than a quorum of a Neighborhood Board members could attend other public meetings. However, the change allows all Board members to attend public meetings in addition to the regular Board meeting

RESIDENTS'/COMMUNITY CONCERNS:

1. **Zone Change Concern:** Audience member Eddie Peltier Garcia circulated a handout and raised concern about a neighbor building 26 homes and requesting a zone change. Chair Clark explained that issue was brought up at last month's meeting and that the Board took no action. The issue should be requested as an agenda item not under residents' concern. The original papers provided to the Board in June 2015 is with the Neighborhood Commission Office (NCO). The Board approved the project in 2004. Peltier Garcia asked what the policy for a developer to present to the Board. Chair Clark explained that it is a Land Use Commission (LUC) requirement. Peltier Garcia asked why the Board supported the development in 2004. Regarding zone change concerns, Claire Tamamoto recommended attending the City Council's Zoning Committee meetings.
2. **Department of Planning and Permitting (DPP):** Peltier Garcia asked what does DPP do with what is written in the Board's minutes. Sugimura explained that generally DPP has a public meeting so that the public can voice concerns. The developer notifies and invites the community and area residents to the meeting. Board action is optional and not required. Claire Tamamoto suggested calling DPP to find out if a public meeting is scheduled.
3. **Comment:** Chair Clark explained about the Silva's original plan to change the R-5 zoning to R-10. Notification about the change from R-10 to Planned Development Housing (PDH) was given a day before the meeting. It was asked and the reply was to check with DPP. The Planned Development Housing (PDH) did not list the number of houses. Chair Clark noted that tonight's handout would be filed with last month's in Board's file at the Neighborhood Commission Office (NCO).
4. **Board Minutes:** It was explained that items presented to the Board are not edited. The Neighborhood Assistant summarizes what is said and occurs at the meeting; there are no interpretations.

APPROVAL OF MONDAY, JUNE 8, 2015 REGULAR MEETING MINUTES: By UANNIMOUS CONSENT, the June 8, 2015 regular meeting minutes were ADOPTED as amended:

- Aiea Community Association (ACA) should read, "...next meeting Monday, July 20, 2015..."

BOARD BUSINESS:

Creation of Board Committees and Designating their Chairs and Committee Members: Discussed earlier in the meeting.

Department of Transportation (DTS), Public Transit Division, TheBus Title VI Program for Public input: Kashiwa Lawas presented the following: DTS is a recipient of federal funds has certified and provided assurances that it and the non-profit corporation contractor Oahu Transit Services (OTS) will fully comply with Title VI of the Civil Rights Act of 1964. TheBus Title VI policy. Both are committed to ensuring that no person using TheBus is discriminated against. A public hearing is scheduled for Tuesday, September 1, 2015. Deadline to submit written comments is Tuesday, September 15, 2015. Review will be by the Transportation Commission and City Council October 2015. Transmittal to the Federal Transportation Administration (FTA) is scheduled for December 2015.

Other Community Reports:

Honolulu Rail Transit Project (H RTP): Pat Lee reported the following:

- **Congested City:** Honolulu remains one of the most congested cities in America. In a study released earlier this year, Honolulu's traffic congestion ranked third-worst in the nation, behind Los Angeles and San Francisco. The study was based on information from navigational devices and ranks 200 markets across the world. Using commuter information gleaned from car and truck global positioning system (GPS) systems and smart phone apps, data was studied for various times of the day to determine when people are stuck in traffic and for how long. In the category Commuter Stress Index (CSI), Honolulu is ranked #1. The CSI measures congestion in both directions during both the morning and evening rush hours.

Board of Water Supply – Eddie Dumlao reported the following:

- Main Break: There was a main break in the Pearl City area on Wednesday, July 22, 2015.
- 2015-2016 Halawa Xeriscape Garden Workshop Schedule: BWS and Friends of Halawa Xeriscape Garden continue to offer Saturday workshops that highlight the concept of xeriscaping. The new 2015-2016 xeriscape workshop schedule features new and popular workshops that offer useful tips on maintaining a beautiful and water-efficient garden. Advanced registration is required to attend. Call 748-5230 or email workshops@hbws.org to reserve a space at one of the workshops. Visit www.boardofwatersupply.com to see the full list of classes being offered. The Halawa Xeriscape Garden remains open to the public on Wednesdays and Saturdays from 9:00 a.m. to 3:00 p.m.

Questions, comments, and concerns followed: Pacific Palisades: Chair Veray raised a concern that if there was a main break in Pacific Palisades, residents would be trapped since there is only one (1) way in and out. Dumlao noted that there is enough room on Komo Mai Drive to contraflow since the main is only on one (1) side of the road.

Pearl City Public Library – No representative was present. No report was provided.

RESIDENTS' CONCERNS

- Genetically Modified Organism (GMO) Labeling: Community member Dr. Melissa Yee expressed support for the Board's resolution regarding GMO labeling on food. Dr. Yee commented that GMO foods pose health risks and the public should be aware of what they are eating.
- Traffic: Community member David Takahashi raised a concern regarding traffic near the intersection of Moanalua Road and Hoomalu Street, and the intersection of Moanalua Road and Hoolaulea Street. Chair Veray noted that drivers need to be mindful and patient, and HPD enforcement will help mitigate some of the traffic in those intersections.

PRESENTATIONS

Charter Commission – No representative was present. No report was provided.

TheBus Title VI Program – Karisha Lamas and Scott Ishiyama from the City Department of Transportation Services (DTS) delivered an update about TheBus Title VI Program. As a recipient of FTA funds, DTS-PTD is required to comply with FTA requirements that prohibit discrimination. Public transportation services must be provided in a non-discriminatory manner to all residents. DTS-PTD must submit a Title IV Program report every three (3) years. The draft report was provided to the Board. Electronic copies are available upon request. Comment forms were provided. All public input is welcome and will be included in the final version. On Tuesday, September 1, 2015, at the Mission Memorial Building hearings room at 10:00 a.m., there will be a public hearing on Title VI. The deadline for all written comments is on Tuesday, September 8, 2015. The report will be transmitted to the FTA in December 2015.

Enterprise Rideshare Vanpool Program – No representative was present. No report was provided.

APPROVAL OF MINUTES – Duncan moved and Yokotake seconded to approve the July 30, 2015 regular meeting minutes. The minutes were **APPROVED UNANIMOUSLY** as published, 9-0-0 (Aye: Duncan, Hayakawa, Inouye, Itsuno, Murakami, Poaha, Veray, Vina, and Yokotake).

BOARD BUSINESS

Determination of Board Recess Schedule – Chair Veray noted that the Board voted to recess in December 2015 at the previous meeting, but is still deciding which other month to recess. Chair Veray suggested May 2016. Vina commented that the State Legislature adjourns in May, and if the Board recesses in May, there will be no legislative updates provided. Chair Veray agreed, and suggested June 2016 instead.

Hayakawa moved and Itsuno seconded that the Pearl City Neighborhood Board No. 21 recess in June 2015. The motion was ADOPTED, 6-3-0 (Aye: Hayakawa, Inouye, Itsuno, Poaha, Veray, and Yokotake; No: Duncan, Murakami, and Vina; Abstain: None).

Mayor Kirk Caldwell's Representative – Adam LeFebvre introduced Sandra Abelaye from the Department of Transportation Services – Public Transit Division (DTS-PTD).

- Title VI Program – As a recipient of Federal Transit Administration (FTA) funds, DTS-PTD is required to comply with FTA requirements that prohibit discrimination on the basis of race, color, national origin, gender, or disability in all programs, activities, and services. DTS-PTD must submit a Title VI Program report to FTA every three (3) years. DTS-PTD is in the process of finalizing the report and welcomes any public participation/input. All public input regarding the report will be included in the final version to be submitted to the Transportation Commission and City Council for approval. Upon approval, the report will be submitted to FTA in December 2015. For more information, hard copies of the plan with concern forms were left for the community and if there were any questions or concerns the public can call 768-8374, or email thebusstop@honolulu.gov or visit <http://www.thebus.org/AboutTheBus/DraftTitleVIProgram.asp>.

Questions, comments, and concerns that followed:

1. Comments – Chair Moore noted that the North Shore feels discriminated against and hopes that the rural Ko'olauloa area will get better service. Letts asked if the reports will tell the public where to leave their comments. Abelaye responded that the last page of the plan should have all the information.
2. Funding – Shafer raised a concern and noted that many people still use the bus even though the service is bad and asked how the City plans to fix the funding situation between the rail and the bus. Abelaye responded that the Title VI program is giving the bus funding and the rail is a different budget. Shafer asked if a better schedule can be worked out. Abelaye responded that the cuts were not restored because the funding was not there and noted that the bus route 55 is in discussion and could be increased but a bus route will be taken out from somewhere else. Connors noted that some people have sent comments but they were not received. Abelaye responded that if the community is having trouble they can also send their concerns to sabelaye@honolulu.gov.
3. Kahuku District Park Lights – Fonoimoana asked LeFebvre about the Kahuku District Park lights. LeFebvre responded that Council Chair Martin allocated the money for them but nothing has been done yet because the Mayor still needs to release the funds. Shafer noted that the lights at Hauula need to be fixed as well and commented that the Eagle Scouts could install the lights.

Council Chair Ernie Martin – Mike Sakata reported the following:

- Bill 53 – Bill 53 was amended and has passed first reading.
- Kahuku Golf Course – Negotiations are still on going.
- Hauula Community Center Work – \$800,000 was appropriated for in house funding. The roof and windows were repaired and the facility was painted.

Representative Feki Pouha – Representative Pouha reported the following:

- Welcome – Representative Pouha welcomed and congratulated the new Board members.
- Resolution – Representative Pouha thanked the Board for their adoption and support of the resolution.
- Community Safety Meeting – There will be a community safety meeting on Saturday, August 22, 2015 from 7:00 p.m. to 9:00 p.m. at the Hauula Elementary Cafeteria.

Senator Gil Riviere – Senator Riviere reported the following:

- Kaaawa Road Work – The Kaaawa road work will hopefully be completed by the end of September 2015. Senator Riviere noted that if it does not end in September 2015, the two (2) way traffic will continue.
- Kahuku Road Work – The Kahuku road work is still in the works and a completion date has not yet been set. The conservation easement details are still being worked out.
- Kehekili Highway – The Kehekili Highway environmental impact statement (EIS) from 1990 for widening will have a meeting for comments and information at the Ahuimanu Elementary School at 6:30 p.m. The dates for the town hall series have not been set yet. Senator Riviere will inform the public when the dates are set.
- New Law – Tax credits will be given to those who upgrade their cesspool storm water runoff systems.

Questions, comments, and concerns that followed:

1. Department of Transportation (HDOT) – Letts asked Senator Riviere to ask DOT to get more proactive with their work and to not make promises that their budgets cannot keep. Senator Riviere will follow up.
2. Film/TV Industry – Connors noted that the Film/TV industry has a high demand and asked if Senator Riviere can ask the industry to donate something to the public schools in the area. Connors also raised a

ELECTED OFFICIALS (CONTINUED):

Senator Laura Thielen – Copies of Senator Thielen's newsletter were available at the meeting.

Representative Ken Ito – No representative was present; no report was available.

Representative Chris Lee – Chair Prentiss deferred Representative Chris Lee's report to a later time.

Councilmember Ikaika Anderson – Copies of Councilmember Anderson's newsletter were available at the meeting.

Senator Jill Tokuda – No representative was present; no report was available.

PRESENTATION:

Civil Rights Act of 1964, Title VI – Sandra Abelaye of the City Department of Transportation Services (DTS), Public Transit Division reported the following: Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. In order to receive funding from the Federal Transportation Administration (FTA), the City must ensure that the level and quality of the public transit service is provided in a non-discriminatory manner. The public may submit written comments regarding TheBus' service in regards to Title VI.

Comments, questions, and concerns followed:

1. 5307 Funds: Wong asked and Abelaye replied that the funding source from FTA is called 5307 funds, the same one mentioned in the news regarding possible mitigation of funds toward the rail project. Abelaye added that DTS is the recipient of the fund, meaning that DTS can allocate the funding for any of its projects. Dudevoir asked if Abelaye worries if the cost of operating the rail will impact funding for TheBus. Abelaye replied that it is a policy decision, however, questions such as this and other comments can be submitted in writing so that a staff member can follow up. Mossman asked and Abelaye replied that 5307 funds holds approximately \$30 million.
2. Handi-Van: Parsons asked and Abelaye replied that the funds provide for Handi-Van operations. Abelaye reiterated that public comments should relate to Title VI.
3. Outreach: Resident Debbie Glanstein commented that DTS should work on its outreach efforts, and give better responses.

ELECTED OFFICIALS (CONTINUED):

Representative Chris Lee – Representative Chris Lee represented the following:

- HECO/NextEra: The Public Utility Commission (PUC) has been tasked with the decision on whether to allow NextEra to acquire HECO. PUC's first public hearing regarding this issue is tomorrow, Friday, September 4, 2015 on Maui. There have been many criticisms against the merger to which NextEra has provided a rebuttal. However, the rebuttal is not substantive.
- Community: The community wants lowered rates, accountability, and renewable energy. This is not being discussed at the moment.
- Alternative Models: Over 40 elected officials including councilmembers and legislators from all islands came together to say that they understand the concerns that the public has about the merger, and that they will consider all options. Hawaii and Maui counties have already discussed publicly owned utilities.
- Publicly Owned Utilities: Across the nation, publicly owned utilities have lower rates, better customer service, and adapt quicker than for-profit utilities because they are not obligated to answer to its shareholders. For example, utility rates have lowered significantly for Kauai Island Utility Cooperative (KIUC) customers. During the same time period, the rates on Oahu has increased by 30% and on neighbor islands by 15%. This data can be used in negotiations with NextEra to appeal for a better deal.

Questions, comments, and concerns followed:

1. Dilapidated HECO Infrastructure: Weller expressed concerns about the public inheriting dilapidated HECO infrastructure if HECO is converted into the cooperative. Weller commented that the president of HECO makes too much money, and asked why the PUC allows this. Representative Lee replied that over the last couple of years, the Hawaii State Legislature started to completely reassess the regulatory model. Representative Lee commented that the public is saddled with the infrastructure, whether HECO is public and private.

TheBus Title VI Program: Greg Segawa from DTS delivered an update regarding TheBus Title VI program. As a recipient of FTA funds, DTS-PTD is required to comply with FTA requirements that prohibit discrimination on the basis of race, color, national origin, gender, or disability in all programs, activities, and services. Public transportation services must be provided in a non-discriminatory manner to all residents. DTS-PTD must submit a Title IV Program report. The draft report was provided to the Board. Electronic copies are available upon request. All public input is welcome and will be included in the final version. On Tuesday, September 1, 2015, at the Mission Memorial Building hearings room at 10:00 a.m., there will be a public hearing on Title VI. The deadline for all written comments is on Tuesday, September 8, 2015 at 4:00 p.m. The report will be transmitted to the FTA in December 2015.

Questions, comments, and concerns followed: Comment Period: Chair Hazama raised a concern that the timeframe for the comment period is short and asked if there would be an extension. Segawa will follow up.

APPROVAL OF MINUTES – Melendrez moved and Tamashiro seconded to approve the regular meeting minutes for June 16, 2015. The regular meeting minutes for June 16, 2015 were approved by UNANIMOUS CONSENT as published, 8-0-0 (Aye: Agader, Cole, Hazama, Hwang, Lau, Melendrez, Oishi, and Tamashiro).

REPORTS

Mililani Town Association: There was no report.

Patsy T. Mink Central Oahu Regional Park: There was no report.

Committee Reports: Planning/Zoning: Oishi reported that the Meheula Vista Project is currently in phase I. Chair Hazama reminded the Board members that the Board will need an Oahu Metropolitan Planning Organization (OahuMPO) delegate.

ANNOUNCEMENTS

Next Meeting: The next Mililani Mauka/Launani Valley Neighborhood Board No. 35 meeting will be on Tuesday, September 15, 2015 at 7:00 p.m. at the Mililani Mauka Elementary School cafeteria, 95-1111 Makaikai Street.

Health and Wellness Fair: Community member Yvonne DeLuna announced there will be a health and wellness fair for seniors at Helemano Plantation's Wellness Center on Thursday, September 17, 2015 from 9:00 a.m. to 1:00 p.m.

ADJOURNMENT: The meeting was adjourned at 8:26 p.m.

Submitted By: Risé Doi, Neighborhood Assistant II; Reviewed By: Uyen Vong, Neighborhood Assistant I; Reviewed and Finalized By: Dean Hazama, Chair

Public Hearing Notice

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII**

The City and County of Honolulu, Department of Transportation Services (DTS) will hold a public hearing to receive testimony on the Public Transit Division (PTD) Title VI Program for TheBus and TheHandi-Van.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, gender, or disability. As a recipient of Federal Transit Administration (FTA) federal financial assistance, DTS-PTD must ensure that the level and quality of public transit service is provided in a nondiscriminatory manner. Every 3 years, DTS-PTD is required to report to FTA how it is meeting its Title VI obligations.

DTS-PTD is in the process of completing its report on the Title VI Program for public transit. The draft report includes information on:

- The statistical basis for DTS-PTD's determination that the City's public transit services, programs, and activities are equally available to all persons, regardless of race, color, national origin, gender, or disability;
- The procedures for receiving and addressing Title VI discrimination complaints;
- The process used by DTS-PTD to communicate with and obtain input from the public concerning public transit programs, projects, planning, services, and funding; and
- DTS-PTD's Language Access Plan, which describes how information on public transit services and programs is provided to persons with limited English proficiency.

All questions and comments will be included in the final draft report which will be submitted to the Transportation Commission and City council for review in October 2015 and then be transmitted to FTA in December 2015.

A public hearing will be held in accordance with the following schedule:

Date: September 1, 2015
Place: Hearings Room
Mission Memorial Building
550 S. King Street
Honolulu, Hawaii 96813

Time: 10:00 a.m.

Copies of the proposed Title VI Program available for review at the address below, or can be emailed to any interested person who requests copies from the Department of Transportation Services, or are available online at <http://www.thebus.org/AboutTheBus/TitleVI.asp>.

**Department of Transportation Services
Fasi Municipal Building
650 S. King Street, 3rd Floor
Hours: 7:45 a.m. - 4:00 p.m.
Honolulu, Hawaii 96813
Phone: (808) 768-8374
Fax: (808) 768-4954
Email: ytomita@honolulu.gov**

All interested persons are invited to express their views on this matter. Persons wishing to speak at the public hearing are asked to sign up on the day of the hearing and provide a written copy of the statement presented.

Written testimony will be accepted until 4:30 p.m. Tuesday, September 8, 2015, at the above address. Any person requiring a special accommodation (i.e. large print materials, sign language interpreter) is asked to call Yoko Tomita of the DTS at 768-8374, by Monday, August 17, 2015.

**Michael D. Formby, Director
Department of Transportation Services
City and County of Honolulu**

(SA784457 8/16, 8/23/15)

Public Hearing Minutes

PUBLIC HEARING MEETING MINUTES

Tuesday, September 1, 2015

10:03 – 10:08 AM

Attendees:

Department of Transportation Services –Sandra Abelaye, Glenn Moir, Yoko Tomita, Crysttal Steiner, Jose Rodriguez, Greg Tsugawa,

Access to Independence – Rosanna Kanetake

Citizens for a Fair ADA Ride – Laureen Kukino

Presentation:

S. Abelaye welcomed attendees and officially opened the Public Hearing at 10:03 AM. The purpose of this Public Hearing is to receive public testimony on the Department of Transportation Services (DTS), Public Transit Division (PTD) Title VI Program. As a recipient of Federal Transit Administration (FTA) federal financial assistance, DTS-PTD must ensure that the level and quality of public transit service is provided in a nondiscriminatory manner. Every 3 years, DTS-PTD is required to report to FTA how it is meeting its Title VI obligations.

Public Comments:

L. Kukino stated that as a visually impaired person, she rides TheBus and Handi-van and it would be beneficial to those who are visually impaired if notices could be sent in an alternate format—large print or an audible format.

No other written or oral testimony was received and the Public Hearing was officially closed at 10:08 AM.

Website Pages

FRO will review the Title VI complaint and will provide appropriate assistance to complainants, including those persons with disabilities, or who have limited English proficiency (LEP).

DTS will contact the complainant in writing within fifteen (15) working days for additional information if needed, to investigate the complaint. If a complainant fails to provide the requested information by a certain date, the complaint could be administratively closed.

DTS will investigate a formal Title VI complaint within ten (10) working days of receiving the complaint. Based upon all of the information received, DTS will prepare a draft written response, subject to review by the City & County of Honolulu Corporation Counsel.

Corporation Counsel will determine if the complaint may be administratively closed after the draft is written, or if a final written response is needed. If a final written response is needed, DTS will send the response to the complainant and advise the complainant of his or her right to file a complaint externally.

The complainant also will be advised of his or her right to appeal the response to Federal and state authorities as appropriate. DTS will diligently attempt to respond to a complaint within sixty (60) working days of its receipt by DTS, unless it was also filed with an outside agency, as noted above.

How DTS notifies complainant of the outcome

DTS will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. DTS will diligently attempt to respond to complaints within sixty (60) working days of its receipt.

Title VI Program

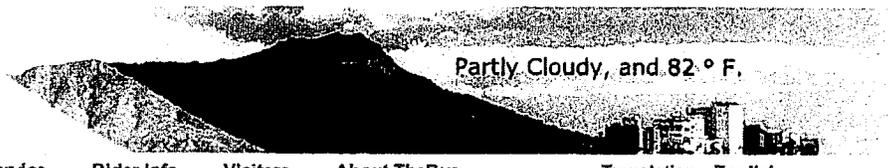
As a recipient of Federal Transit Administration (FTA) federal financial assistance, the Department of Transportation Services, Public Transit Division (DTS-PTD) is required to submit a Title VI Program report to FTA every three years. The approved Title VI program can be found below. Questions and/or comments regarding this report may be referred to:

Title VI Program Downloads:

• [Title VI Program](#)

Note: PDF files require the Adobe Reader from Adobe Systems, Incorporated. Adobe and the Adobe logo are trademarks of Adobe Systems, Incorporated. Click on the following link to download.

Last Revised: December 07, 2015



Home Ride TheBus Programs Customer Service Rider Info Visitors About TheBus Translation - English

TheBus Policies

- TheBus Non-Discrimination (Title VI) Policy
(中文) (日本語) (한국어) (Ilokano) (Tagalog) (Kapasen Chuuk) (Kajin Majol) (Tiếng Việt)
- TheBus Non-Discrimination Complaint Form
(中文) (日本語) (한국어) (Ilokano) (Tagalog) (Kapasen Chuuk) (Kajin Majol) (Tiếng Việt)
- You Have Rights (Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994)
- Title VI Program



Fares



System Map



Transit Centers



Real-Time Bus Arrival



Road Conditions



Customer Comment



City & County of Honolulu



Safety & Security



Web Services API

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811 Middle Street
Honolulu, HI 96819
(808) 848-4500

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: Title VI

Deficiency: D-304 Inadequate written fare and service change equity analysis procedures.

Corrective Action: Submit to the FTA Region IX and X Civil Rights Officers evidence of board approval of applicable policies, procedures or equity analysis.

Action Taken: Board approval received on August 26, 2015.

Attachment: Board minutes

KIRK CALDWELL
MAYOR



MICHAEL D. FORMBY
DIRECTOR
MARK N. GARRITY, AICP
DEPUTY DIRECTOR

**DEPARTMENT OF TRANSPORTATION SERVICES
COMMITTEE FOR ACCESSIBLE TRANSPORTATION**

Meeting Minutes

Date: Wednesday, August 26, 2015
Time: 9:30 a.m.
Place: Frank Fasi Municipal Building, 5th Floor Conference Room
650 South King Street, Honolulu, Hawaii 96813

Voting Members Present:

At Large:	Donald Sakamoto
Catholic Charities Hawaii:	Peter Reyes
Easter Seals:	Jennifer La'a
Hawaii Disability Rights Center:	Ann Collins
Ho'opono:	Lea Grupen
Lanakila Pacific:	Lori Lutu

Ex-Officio Members Present:

Department of Transportation Services:	
Paratransit Operations Branch:	Marisa Ideta, Scott Ishiyama, Karisha Lawas, Geri Ung
Fixed Route Operations Branch:	Sandra Abelaye, Yoko Tomita
Disability and Communication Access Board:	Charlotte Townsend
Innovative Paradigms:	Marilyn Cole, Phil McGuire
Oahu Metropolitan Planning Organization:	Chris Clark, Taylor Ellis
Oahu Transit Services, Inc.:	
Paratransit Services:	Michelle Kennedy
Transportation:	Ralph Faufata
Public:	Rose Pou

I. Call to Order

Vice Chair P. Reyes called the meeting to order at 9:30 a.m.

II. Approval of Minutes

The minutes of the July 17, 2014 and April 16, 2015 meetings were unanimously approved as circulated.

III. New Business

A. Introduction of New CAT Members

S. Ishiyama briefly explained the purpose of the CAT and of the role of its At-Large member, which is to represent the riders of TheBus and TheHandi-Van services, then introduced Donald Sakamoto as the CAT's new At-Large representative. P. Reyes introduced new Regular members Jennifer La'a, Director of Youth and Adult Programs of Easter Seals Hawaii, Lori Lutu, Director of Teaching and Learning Centers of Lanakila Pacific, and Ex-Officio member Brian Gibson, Executive Director of the Oahu Metropolitan Planning Organization.

B. Title VI Program

S. Abelaye of DTS' Fixed Route Operations Branch reported on the 2013 Title VI Program for the City and County of Honolulu's public transit system (TheBus and TheHandi-Van) which was provided in advance to all members. She stated that Title VI (TVI) of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. As a recipient of Federal Transit Administration (FTA) financial assistance, the DTS Public Transit Division (DTS-PTD) must ensure that the level and quality of public transit service is provided in a nondiscriminatory manner. Every three (3) years, DTS-PTD is required to report on how it is meeting its Title VI obligations to the FTA. The next report to the FTA is in 2016.

As part of her report and in response to questions from CAT members, S. Abelaye provided the following summary of the contents of the 2013 TVI Program. and reported that The statistical basis for DTS-PTD's determination that the City's public transit services, programs, and activities are equally available to all persons, regardless of race, color, national origin, gender, or disability;

- The procedures for receiving and addressing Title VI discrimination complaints;
- The process used by DTS-PTD to communicate with and obtain input from the public concerning public transit programs, projects, planning services, and funding;
- DTS-PTD's Language Access Plan, which describes how information on public transit services and programs are provided to persons with limited English proficiency.

It was noted that FTA added a requirement for transit agencies to obtain Board approval of their TVI Program. At the conclusion of S. Abelaye's presentation, Vice Chair P. Reyes' asked the CAT members to vote on whether they concurred with the City's public transit 2013 Title VI Program. The CAT voted its unanimous concurrence with the 2013 Title VI Program.

C. Updated TheHandi-Van Policies

TheBus and TheHandi-Van revised policy drafts for Reasonable Accommodation requests were discussed and distributed for review and comment by the CAT members. Members were asked to send any comments or questions to the POB staff, who would then work with OTS staff to finalize the policies.

March 18, 2016
 FY 2015 Triennial Review Final Report
 Corrective Action Form

Review Area: Title VI
 Deficiency: D-304 Inadequate written fare and service change equity analysis procedures
 Corrective Action: Submit revisions per RCRO comments in the following table.
 Action Taken: Revised Major Service & Fare Change Policy and Disparate & Disproportionate Burden Policies per bullets 1-4, 6-7 below and summarized the public participation process per bullet no. 5 below.
 Attachments: *Major Service & Fare Change Policy and Disparate & Disproportionate Burden Policies Public participation summary narrative.

*Also included is a color coded copy referencing the revisions made per the RCRO comments.

Finding	Document Reviewed	RCRO Comments
304 - Inadequate written fare and service change equity analysis procedures	TVI-D304(1of3) TVI-D304(2of3) TVI-D304(3of3)	<p>The submitted corrective action is not sufficient to close this finding. There are some elements missing from the analysis, specifically:</p> <ul style="list-style-type: none"> • The dataset that will be used for the service/fare equity analysis for minority or low-income populations is not defined within the analysis. • The policy should have a clear statement regarding the necessity for public engagement. I would also recommend a reference to the Public Participation Plan for information on engaging minority and LEP populations. • A statement should be included in the policy that service/fare equity analyses must be completed 6 months prior to beginning of revenue operations for New Start, Small Start, and Other New Fixed Guide Way Service. • Potential adverse effects need to be identified. FTA does not expect an exhaustive list of adverse effects, but some elements are well-known and should be presented in the analysis. • In addition to the evidence provided that public participation was conducted, the public participation that was held for the policies and procedures should be summarized and provided in a narrative. The narrative should include information on what methods were used for outreach, a summary of comments received, how the comments were addressed, what organizations were engaged, and any other relevant information related to public participation. • There needs to be a statement regarding how multiple service changes over a specific period of time will be handled. Individual changes may not constitute a service change but if two or more occur over a relatively short period of time, for instance a year or two, combined the service changes may meet the threshold and will need to be addressed. • A narrative of the procedure that will occur once a service change is proposed should also be included. There is a statement that changes occur at different points of the year potentially, however there is not information regarding how those changes are brought to the board and then taken to the public for comment, etc.

PUBLIC TRANSIT DIVISION

CATEGORY: ADMINISTRATION	Index Code: 7-1.13 Page 1 of 4
SUBJECT: DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies	
REFERENCE: FEDERAL TRANSIT ADMINISTRATION MASTER AGREEMENT, CERTIFICATIONS AND ASSURANCES, CIRCULAR 4702.1.B	
<p>PURPOSE: To establish DTS Public Transit Division (PTD) policies and procedures to evaluate all major service changes and all fare changes as required under the Federal Transit Administration (FTA) Title VI requirements in Circular FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, and any subsequent revisions thereto. In order to comply with FTA requirements, DTS-PTD is required to develop and adopt Major Service Change, Fare Change, Disparate Impact, and Disproportionate Burden Policies and Procedures to evaluate the impact on minority and low-income populations.</p> <p><u>POLICIES</u></p> <p>The PTD shall be responsible for conducting the service and fare equity analyses during the planning process to determine whether the adverse effects of the planned changes will have a disparate impact on minority populations on the basis of race, color, or national origin and/or a disproportionate burden on low-income populations. The analysis shall be completed at least 6 months prior to: 1) implementing major service and/or fare changes or 2) beginning of revenue operations for New Start, Small Start, and Other New Fixed Guide Way Service.</p> <p>1. <u>Major Service Change Policy</u> All "major" service changes will require a Service Equity Analysis for Title VI purposes during the planning process prior to implementation. Service change proposals that do not meet the criteria for "major" may be subject to an appropriate level of public review and comment. Proposed service changes are submitted to DTS-PTD Service Review Committee for review and approval. Service changes are typically implemented on a quarterly basis in March, June, September, and December. The combined effect of two or more service changes affecting the same route or community within a twelve month period or over four successive quarters and exceeds the disparate impact/disproportionate thresholds established in Item Nos. 3 and 4 below will be subject to a service equity analysis.</p> <p>The following are considered "major" service changes:</p> <ul style="list-style-type: none">• A change that will affect system wide bus services by more than 10% including but not limited to:<ul style="list-style-type: none">◦ establishing new routes,◦ extending or modifying existing routes,◦ modifying span of service/hours of operation or revenue hours,◦ modifying service headway/frequency or availability• Eliminating route segments or entire routes from any community.• Temporary service addition or change lasting longer than twelve months.	

PUBLIC TRANSIT DIVISION

**SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies**

**Index Code:
7-1.13 Page 2 of 4**

The following service changes are not considered "major" and do not require a service equity analysis.

- Special event service;
- Routing changes due to construction or other road closures; and
- Special service operated during emergencies.

2. Fare Change Policy

All fare changes (increase or decrease), except the following, will require a Fare Equity Analysis for Title VI purposes during the planning process and six months prior to approval/adoption by the Honolulu City Council and subsequent implementation.

- Special event, such as "Dump the Pump Day" or other instances when fare-free has been declared for all passengers.
- Temporary fare reductions that are mitigating measures for other actions, such as construction activities closing a segment of a rail system for a period of time, requiring passengers to alter their travel patterns. A reduced fare for these passengers is a mitigating measure.
- Promotional fare reductions lasting less than six (6) months.

3. Disparate Impact Policy

As defined by FTA:

"Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission."

DTS-PTD determines disparate impact when adverse effects of major service and/or fare changes disproportionately affects minority populations based on race, color, or national origin more than non-minority populations.

A "disparate impact" occurs when the threshold for determining adverse effects of planned changes on minority populations exceeds a 10% difference between the proportion of the total minority and non-minority population or ridership and the proportion of the affected minority and non-minority population or ridership.

PUBLIC TRANSIT DIVISION

SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies

Index Code:
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4. Disproportionate Burden Policy

As defined by FTA:

"Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.

The policy shall establish a threshold for determining when adverse effects of service or fare changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission."

DTS-PTD determines disproportionate burden when adverse effects of major service and/or fare changes disproportionately affects low-income populations more than non-low-income populations.

A "disproportionate burden" occurs when the threshold for determining adverse effects of planned changes on low-income populations exceeds a 10% difference between the proportion of the total low-income and non-low-income population and the proportion of the affected low-income and non-low-income population.

PROCEDURES

- Six months prior to approving or implementing any planned changes, DTS-PTD will evaluate the impacts of the change(s) on minority and/or low-income populations by conducting a service and/or fare equity analysis to determine if the adverse effects have a disparate impact or disproportionate burden. For the service equity analysis, minority and low-income populations within one-half mile of the affected service area are determined using the most current available Census block group data. The fare equity analysis will use fare media data from ridership surveys conducted within the previous 36-month period.
- If the equity analysis determines that there is no disparate impact to the affected minority population and/or no disproportionate burden to the affected low-income population, DTS-PTD will continue the planning/implementation process of the proposed change. The process will include coordination with council member(s) from the district(s) affected by change(s) and presentation to the public for comments. Results will be included in the TVI Program submitted to the FTA every three years.
- If the equity analysis determines that there is a disparate impact to the affected minority population and/or a disproportionate burden to the affected low-income population, DTS-PTD will review/revise planned changes to avoid, minimize, or mitigate such impacts and conduct another equity analysis on the revised changes to determine that the revised changes do not disproportionately affect minority and/or low-income populations more than non-minority and/or non-low-income populations. Potential adverse effects to minority and/or low-income populations include but not limited to: service changes that reduce service (i.e. eliminate route(s), remove trips on a route, change span of service), change the frequency of service (i.e. headway), or fare increases.

PUBLIC TRANSIT DIVISION

**SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies**

**Index Code:
7-1.13 Page 4 of 4**

- If DTS-PTD chooses not to alter the proposed changes despite the potential disparate impact and/or a disproportionate burden on minority/low-income populations, or if DTS-PTD finds, even after revisions, that minority/low-income riders will continue to bear a disproportionate share of the proposed changes, the change may be implemented only if:
 1. there is a substantial legitimate justification for the proposed change, and
 2. it can be demonstrated that there are no alternatives that would have a less disparate impact on minority/low-income riders but would still accomplish legitimate program goals.

In order to make this choice, DTS-PTD must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on minorities/low-income riders, and then implement the least discriminatory alternative.

PUBLIC ENGAGEMENT PROCESS

Major service & fare changes, development of policy thresholds, procedures, and any future revision(s) or amendment(s) requires public review and comment (particularly from persons that represent minority, LEP, and low-income populations) and will follow DTS' Public Participation Plan.

ADOPTED:


MICHAEL D. FORMBY, Director

Revision No. 1

3/18/16

Date

Public Participation Summary

In an effort to receive feedback from the public and organizations involved with minority, low income, and LEP populations, the following outreach measures were taken:

1. **Neighborhood Board Meetings:** Notice and distribution of the program and availability of the Department of Transportation Services (DTS) staff to conduct a presentation was communicated to all 36 neighborhood boards.

Presentations and distribution of the program were made at 10 neighborhood boards: Kuliouou-Kalani Iki, Waialae-Kahala, Kaimuki, Diamond Head-Kapahulu-St. Louis Heights, Palolo, Aiea, Pearl City, Koolauloa, Kailua, and Mililani Mauka-Launani Valley.

2. **Public Hearing:** A public hearing was also held since not all Neighborhood Boards requested a presentation. Notice of the public hearing was published in the Honolulu Star Advertiser (the City's main newspaper) on two separate occasions, was sent to all Neighborhood Boards, and posted on the DTS and TheBus websites.

Two persons representing Access to Independence and Citizens for a Fair ADA Ride (CFAR) attended. Only the CFAR representative provided comments.

3. **Electronic Information**

The draft copy of the Title VI Program Report was posted to both the DTS and TheBus websites. This information was disseminated through the Neighborhood Board Press Announcements and Upcoming Events Report. Individuals were invited to use the provided public comment form, send comments via email, or call the number provided.

4. **Screen reader format for persons with low vision**

The draft copy of the Title VI Program Report was made available to persons with low vision using a screen reader format.

5. **Representatives from the following organizations were in attendance when a presentation was made to the City's Committee on Accessible Transportation.**

Catholic Charities of Hawaii

Easter Seals

Hawaii Disability Rights Center

Lanakila Pacific

Access to Independence

Citizens for a Fair ADA Ride

Disability and Communication Access Board

Oahu Metropolitan Planning Organization

Ho'opono (State agency support services for the visually and hearing impaired)

Comments in the following general categories were received.

1. A comprehensive transportation plan is needed for Windward-North Shore and better bus services for lower-income, minority communities in Koolauloa- Kahalu'u. The infrequent bus service especially hurts the elderly, persons with a disability, and students.

DTS is committed to improving bus service in this area and is currently exploring various options and availability of resources.

2. More frequent buses and better routes would: Increase ridership and decrease cars on the road; offer greater convenience for the local community, students, tourists and all Oahu residents who live in, work, go to school and visit the rural area; strengthen local businesses; and enhance tourism and incomes for rural area jobs and businesses.

DTS agrees but is constrained by a limited budget and resources.

3. Ensure that no-parking signs and zones front bus stops to aid persons with low vision and persons with a disability to board the bus safely.

All bus stops have no parking/tow away restrictions for ADA compliance, parking violations should be reported to the Honolulu Police Department for enforcement.

4. There is a lack of bus shelters throughout Mililani Town and Mililani Mauka.

DTS will evaluate bus stop usage and routing against minimum standards and space requirements for providing bus shelters.

5. It would be helpful to install braille bus stop numbers on all bus stop posts.

This is an ongoing project, to date braille bus stop numbers have been installed at 75% of the approximately 4,000 bus stops.

6. It would be beneficial to persons with low vision if rider alert notices could be sent in an alternate format—large print or an audible format.

DTS currently provides rider alert notices to Ho'opono (agency that supports the visually and hearing impaired) for information dissemination to its customer base and upon request, in an alternate format such as large print or screen reader format. Radio reading services provided by Hawaii State Library for the Blind & Physically Handicapped and Newline for the Blind are also used as applicable and necessary.

I am writing today to follow-up with you regarding findings D.650 (ADA) and D.304 (Title VI) identified in the City and County of Honolulu's FY 2015 Triennial Review. Please see the below table for the current status of each finding.

Finding	Document Reviewed	RCRO Comments
<p>304 - Inadequate written fare and service change equity analysis procedures</p>	<p>TVI-D304(1of3) TVI-D304(2of3) TVI-D304(3of3)</p>	<p>The submitted corrective action is not sufficient to close this finding. There are some elements missing from the analysis, specifically:</p> <ul style="list-style-type: none"> • The dataset that will be used for the service/fare equity analysis for minority or low-income populations is not defined within the analysis. • The policy should have a clear statement regarding the necessity for public engagement. I would also recommend a reference to the Public Participation Plan for information on engaging minority and LEP populations. • A statement should be included in the policy that service/fare equity analyses must be completed 6 months prior to beginning of revenue operations for New Start, Small Start, and Other New Fixed Guide Way Service. • Potential adverse effects need to be identified. FTA does not expect an exhaustive list of adverse effects, but some elements are well-known and should be presented in the analysis. • In addition to the evidence provided that public participation was conducted, the public participation that was held for the policies and procedures should be summarized and provided in a narrative. The narrative should include information on what methods were used for outreach, a summary of comments received, how the comments were addressed, what organizations were engaged, and any other relevant information related to public participation. • There needs to be a statement regarding how multiple service changes over a specific period of time will be handled. Individual changes may not constitute a service change but if two or more occur over a relatively short period of time, for instance a year or two, combined the service changes may meet the threshold and will need to be addressed. • A narrative of the procedure that will occur once a service change is proposed should also be included. There is a statement that changes occur at different points of the year potentially, however there is not information regarding how those changes are brought to the board and then taken to the public for comment, etc. <p>Please submit a revised corrective action for finding D.304 within 30 days or by March 18, 2016.</p>

PUBLIC TRANSIT DIVISION

CATEGORY: ADMINISTRATION	Index Code: 7-1.13 Page 1 of 4
SUBJECT: DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies	
REFERENCE: FEDERAL TRANSIT ADMINISTRATION MASTER AGREEMENT, CERTIFICATIONS AND ASSURANCES, CIRCULAR 4702.1.B	
<p>PURPOSE: To establish DTS Public Transit Division (PTD) policies and procedures to evaluate all major service changes and all fare changes as required under the Federal Transit Administration (FTA) Title VI requirements in Circular FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, and any subsequent revisions thereto. In order to comply with FTA requirements, DTS-PTD is required to develop and adopt Major Service Change, Fare Change, Disparate Impact, and Disproportionate Burden Policies and Procedures to evaluate the impact on minority and low-income populations.</p> <p><u>POLICIES</u></p> <p>The PTD shall be responsible for conducting the service and fare equity analyses during the planning process to determine whether the adverse effects of the planned changes will have a disparate impact on minority populations on the basis of race, color, or national origin and/or a disproportionate burden on low-income populations. The analysis shall be completed at least 6 months prior to: 1) implementing major service and/or fare changes or 2) beginning of revenue operations for New Start, Small Start, and Other New Fixed Guide Way Service.</p> <p>1. <u>Major Service Change Policy</u> All "major" service changes will require a Service Equity Analysis for Title VI purposes during the planning process prior to implementation. Service change proposals that do not meet the criteria for "major" may be subject to an appropriate level of public review and comment. Proposed service changes are submitted to DTS-PTD Service Review Committee for review and approval. Service changes are typically implemented on a quarterly basis in March, June, September, and December. The combined effect of two or more service changes affecting the same route or community within a twelve month period or over four successive quarters and exceeds the disparate impact/disproportionate thresholds established in Item Nos. 3 and 4 below will be subject to a service equity analysis.</p> <p>The following are considered "major" service changes:</p> <ul style="list-style-type: none">• A change that will affect system wide bus services by more than 10% including but not limited to:<ul style="list-style-type: none">◦ establishing new routes,◦ extending or modifying existing routes,◦ modifying span of service/hours of operation or revenue hours,◦ modifying service headway/frequency or availability• Eliminating route segments or entire routes from any community.• Temporary service addition or change lasting longer than twelve months.	

PUBLIC TRANSIT DIVISION

SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies

Index Code:
7-1.13 Page 2 of 4

The following service changes are not considered “major” and do not require a service equity analysis.

- Special event service;
- Routing changes due to construction or other road closures; and
- Special service operated during emergencies.

2. Fare Change Policy

All fare changes (increase or decrease), except the following, will require a Fare Equity Analysis for Title VI purposes during the planning process and **six months prior** to approval/adoption by the Honolulu City Council and subsequent implementation.

- Special event, such as “Dump the Pump Day” or other instances when fare-free has been declared for all passengers.
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- Promotional fare reductions lasting less than six (6) months.

3. Disparate Impact Policy

As defined by FTA:

“Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.”

DTS-PTD determines disparate impact when adverse effects of major service and/or fare changes disproportionately affects minority populations based on race, color, or national origin more than non-minority populations.

A “disparate impact” occurs when the threshold for determining adverse effects of planned changes on minority populations exceeds a 10% difference between the proportion of the total minority and non-minority population or ridership and the proportion of the affected minority and non-minority population or ridership.

PUBLIC TRANSIT DIVISION

SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies

Index Code:
7-1.13 age 3 of 4

4. Disproportionate Burden Policy

As defined by FTA:

“Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.

The policy shall establish a threshold for determining when adverse effects of service or fare changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.”

DTS-PTD determines disproportionate burden when adverse effects of major service and/or fare changes disproportionately affects low-income populations more than non-low-income populations.

A “disproportionate burden” occurs when the threshold for determining adverse effects of planned changes on low-income populations exceeds a 10% difference between the proportion of the total low-income and non-low-income population and the proportion of the affected low-income and non-low-income population.

PROCEDURES

- **Six months** prior to approving or implementing any planned changes, DTS-PTD will evaluate the impacts of the change(s) on minority and/or low-income populations by conducting a service and/or fare equity analysis to determine if the adverse effects have a disparate impact or disproportionate burden. **For the service equity analysis, minority and low-income populations within one-half mile of the affected service area are determined using the most current available Census block group data. The fare equity analysis will use fare media data from ridership surveys conducted within the previous 36-month period.**
- **If the equity analysis determines that there is no disparate impact to the affected minority population and/or no disproportionate burden to the affected low-income population, DTS-PTD will continue the planning/implementation process of the proposed change. The process will include coordination with council member(s) from the district(s) affected by change(s) and presentation to the public for comments. Results will be included in the TVI Program submitted to the FTA every three years.**
- **If the equity analysis determines that there is a disparate impact to the affected minority population and/or a disproportionate burden to the affected low-income population, DTS-PTD will review/revise planned changes to avoid, minimize, or mitigate such impacts and conduct another equity analysis on the revised changes to determine that the revised changes do not disproportionately affect minority and/or low-income populations more than non-minority and/or non-low-income populations. Potential adverse effects to minority and/or low-income populations include but not limited to: service changes that reduce service (i.e. eliminate route(s), remove trips on a route, change span of service), change the frequency of service (i.e. headway), or fare increases.**

PUBLIC TRANSIT DIVISION

**SUBJECT: DTS Major Service & Fare Change Policy
and Disparate Impact & Disproportionate Burden Policies**

**Index Code:
7-1.13 Page 4 of 4**

- If DTS-PTD chooses not to alter the proposed changes despite the potential disparate impact and/or a disproportionate burden on minority/low-income populations, or if DTS-PTD finds, even after revisions, that minority/low-income riders will continue to bear a disproportionate share of the proposed changes, the change may be implemented only if:
 1. there is a substantial legitimate justification for the proposed change, **and**
 2. it can be demonstrated that there are no alternatives that would have a less disparate impact on minority/low-income riders but would still accomplish legitimate program goals.

In order to make this choice, DTS-PTD must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on minorities/low-income riders, and then implement the least discriminatory alternative.

PUBLIC ENGAGEMENT PROCESS

Major service & fare changes, development of policy thresholds, procedures, and any future revision(s) or amendment(s) requires public review and comment (particularly from persons that represent minority, LEP, and low-income populations) and will follow DTS' Public Participation Plan.

ADOPTED:

Revision No. 1

MICHAEL D. FORMBY, Director

Date

Procurement

**FY 2015 Triennial Review Final Report
Corrective Actions to Review Findings**

Review Area: Procurement

Deficiency: D-22 - Policies and procedures incomplete or out of date

Corrective Action: Provide the FTA regional office with a list of projected DTS procurements for the next six months.

Action Taken: The projected procurements are summarized in the following table:

Projected Procurements
5-40' buses
11 mini-vans
10-60' buses
8-40' buses
Bus Stop Site Improvements
Pedestrian Transit Connections
6<30' buses + 1 mini-van
9-60' buses + 7 mini-vans
4-40' buses
4-40' buses

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 6. Procurement

Deficiency: D-22 - Policies and procedures incomplete or out of date

Corrective Action: Submit to the FTA regional office revised DTS and HART procurement procedures that address all FTA requirements and consistently interpret local requirements for procurement of FTA funded goods and services.

Submit to the FTA regional office revised DTS procedures that ensure all FTA funded contract awards identify the evaluation factors and indicate the relative importance that each has towards the award as stated in the competitive proposals/request for proposal and that these criteria are used.

Action Taken: The City and County of Honolulu revised (yellow highlight) its Budget and Fiscal Services Policies and Procedures Manual Index 01.12, Federal Funded Procurement on June 8, 2015 (Attachment A).

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 6. Procurement

Deficiency: D-183 - No verification that excluded parties are not participating

Corrective Action: Submit to the FTA regional office procedures to search SAM.gov during the DTS procurement process before entering into applicable transactions and to maintain documentation of the search in the procurement file.

Submit to FTA regional office documentation that DTS has implemented the required procedures for the next applicable federally funded procurement.

Action Taken: The City and County of Honolulu revised (yellow highlight) its Budget and Fiscal Services Policies and Procedures Manual Index 01.12, Federal Funded Procurement on June 8, 2015 (Attachment A). A completed *Award Recommendation Form* shows the implementation of the required procedures for the next applicable federally funded procurement (Attachment B). Procurement staff have been counseled to follow and apply policy and procedures, and all City departments and agencies were informed of these revisions in a June 8, 2015 memorandum (Attachment C).

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 6. Procurement

Deficiency: D-302 - Improper use of options

Corrective Action: Develop and submit to the FTA regional office procedures to ensure that DTS complies with FTA requirements for evaluating and exercising options.

Action Taken: The City and County of Honolulu revised (yellow highlight) its Budget and Fiscal Services Policies and Procedures Manual Index 01.12, Federal Funded Procurement on June 8, 2015 (Attachment A). Procurement staff have been counseled to follow and apply policy and procedures, and all City departments and agencies were informed of these revisions in a June 8, 2015 memorandum (Attachment C).

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 6. Procurement

Deficiency: D-344 - Responsibility determination deficiencies

Corrective Action: Submit to the FTA regional office a process to ensure that DTS documents adequate responsibility determinations prior to award of FTA funded contracts.

For the next federally funded procurement, submit to the FTA regional office documentation that the required responsibility determination process was implemented.

Action Taken: The City and County of Honolulu revised (yellow highlight) its Budget and Fiscal Services Policies and Procedures Manual Index 01.12, Federal Funded Procurement on June 8, 2015 (Attachment A). A completed *Award Recommendation Form* shows the implementation of the required procedures for the next applicable federally funded procurement (Attachment B). Procurement staff have been counseled to follow and apply policy and procedures, and all City departments and agencies were informed of these revisions in a June 8, 2015 memorandum (Attachment C).

Attachment A

**Budget and Fiscal Services
Policies and Procedures Manual**

Category

PROCUREMENT

Reference

Revised Charter of the City and County of Honolulu (RCH), §6-203 and §9-301

Hawaii Revised Statutes (HRS), Chapters 103D

Federal Acquisition Regulation (FAR)

Code of Federal Regulations (CFR), Common Grant Rules for State and Local Governments

Such as, but not limited to, Agriculture 7 CFR 3016, Commerce 15, CFR 24, Defense 32 CFR 33, Education 34 CFR 80, Energy 10 CFR 600, Health & Human Services 45 CFR 92, Housing & Urban Development 24 CFR 85, Interior 43 CFR 12, Justice 28 CFR 66, Labor 29 CFR 97, State 22 CFR 135, Transportation 49 CFR 18, Veterans Affairs 38 CFR 43, Corporation for National & Community Service (CNCS) 45 CFR 2541, Environmental Protection Agency (EPA) 40 CFR 31, Federal Emergency Agency (FEMA) 44 CFR 13, Federal Mediation & Conciliation Service (FMCS) 29 CFR 1470, General Service Administration (GSA) 41 CFR 105-71, Institute of Museum Services (IMS) 45 CFR 1183, National Aeronautics & Space Administration (NASA) 14 CFR 1273, National Archives & Records Administration (NARA) 36 CFR 1207, National Endowment for the Arts (NEA) 45 CFR 1157, National Endowment for the Humanities (NEH) 45 CFR 1174, National Science Foundation (NSF) 45 CFR 602, Office of National Drug Control Policy (ONDCP) 21 CFR 1403, Small Business Administration (SBA) 13 CFR 143

Federal Transit Administration (FTA), Circular 4220.1F, Rev. March 18, 2013, or latest revision thereof (http://www.fta.dot.gov/laws/leg_reg_circulars_guidance.html)

Federal Transit Administration (FTA), The Best Practices Manual

(http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html)

Office of Management and Budget (OMB) 2 CFR Part 225 and OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments

Office of Management and Budget (OMB) 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards

Subject

FEDERAL FUNDED PROCUREMENT**PURPOSE**

To provide guidelines to assist City departments and agencies in complying with the various federal procurement requirements. This policy supplements other existing City policies and procedures and must be followed in addition to all other procurement policies and procedures. The policy should not be used as an exclusive list of Federal procurement requirements. While this policy provides general guidance for federal procurement, **the actual terms and conditions of the awarded federal grant and the awarding federal agency requirements may differ and should be considered.**

DEFINITIONS

Contract Administration. Operating and maintaining a system which ensures that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order.

Cost Analysis. Cost analysis is the evaluation, consistent with Federal cost principles, of the separate elements (e.g., labor, materials, etc.) that make up a contractor's total cost proposal or price (for both new contracts and modifications) to determine if they are allowable, directly related to the requirement and reasonable.

Independent Cost Estimate. An independent cost estimate is an estimate prepared by qualified engineering staff, other functional staff, and/or outside consultants who have subject matter expertise and first-hand knowledge of the products or services to be designed, purchased, and/or constructed. The purpose of an independent cost estimate is to provide a clear basis for analysis of cost or price and provide essential procurement and financial planning information.

Micro Purchase. Purchases of goods and services, and construction equal to or less than \$3,000 or less.

Price Analysis. Price analysis is essentially price comparison. It is the evaluation of a proposed price (i.e., lump sum) without analyzing any of the separate cost elements that it is composed of.

Revenue Contract. Contracts whose primary purpose is to either generate revenues or to create business opportunities utilizing a federal funded asset.

Rolling Stock. Buses, vans, cars, railcars, locomotives, trolley cars and buses, ferry boats, and vehicles used for guideways and incline planes.

Small Purchase. Purchases of goods and services, and construction greater than \$3,000 and less than \$100,000.

POLICY

A. Federal Statutory and Regulatory Requirements

Third party contracts funded under federal grants must comply with all federal statutory and regulatory requirements. All federal required contract clause(s) shall be incorporated into the awarded contract.

Pursuant to the Hawaii Revised Statutes (HRS) Section 103D-102(a), the Hawaii Public Procurement Code, HRS Chapter 103D, or the Hawaii Administrative Rules adopted under Chapter 103D, shall not prevent the City from complying with the terms and conditions of any federal grant, gift, bequest, or cooperative agreement. The City shall comply with all applicable federal requirements for federal funded procurement.

Should there be any conflict of the federal requirements with City policies and procedures, Hawaii Administrative Rules, or Hawaii Revised Statutes, the federal requirements shall govern.

B. Standards of Conduct

1. No City employee, officer, agent, immediate family member, or board member shall participate in the selection, award, or administration of a federal funded contract that may involve a real or apparent conflict of interest.

2. A conflict of interest exists when any of the following individuals has a financial or other interest in the firm selected for the award:
 - a. City employee, officer, agent, or board member,
 - b. Any member of his/her immediate family,
 - c. His or her partner, or
 - d. An organization that employs, or is about to employ, any of the above individuals.

C. Time and Materials Contract

All time and materials contracts must have a ceiling price that the contractor shall not exceed except at its own risk.

D. Cost Plus Percentage of Cost Contract

Cost plus percentage of cost contracts are prohibited.

E. Advance Payments

Advance payments utilizing federal funds are prohibited unless prior written concurrence is obtained from the awarding federal agency.

F. Prequalification of Persons, Firms, or Products

Prequalified lists of persons, firms, or products must be current (updated periodically) and include at least three (3) qualified sources to ensure maximum open and free competition. Potential bidders may not be precluded from qualifying during the solicitation process.

G. Qualification-Based

Only architectural and engineering (A&E) services and A&E-related services as defined by the Brooks Act may be procured using the qualification-based selection method. All others must use a competitive process, which includes price as an evaluation/selection factor.

H. Procurement of Design-Build

The City must procure design-build services through means of qualifications-based competitive sealed proposals based on the Brooks Act when the preponderance of the work to be performed is considered to be for A&E services. Qualifications-based competitive proposal procedures shall not be used to procure design-build services when the preponderance of the work to be performed is not of an A&E nature.

I. In-State or Local Geographical Preferences

Except when procuring architectural and engineering services, the use of in-state or local geographical preferences in the evaluation of bids or proposals is prohibited unless federal statutes expressly mandate or encourage geographical preference.

J. Price and Other Factors

All requests for proposals must include price as an evaluation factor.

K. Sole Source, if Other Award is Not Feasible

If a sole bid or offer is received under a competitive solicitation, any award to the sole bidder or offeror must be made under sole source procurement procedures with proper justification and documentation.

City sole source procurement procedures shall be followed.

L. Revenue Contracts

All revenue contracts shall be awarded utilizing competitive selection procedures and principals.

M. Written Procurement Selection Procedures

All solicitations must contain written selection procedures, method of award provisions, and/or evaluation criteria and the relative order of importance, as appropriate to the solicitation. Evaluation criteria established during the solicitation process must be used during the evaluation process.

N. Payment on Cost Incurred

Progress payments may only be made on the basis of costs incurred, and the City must obtain adequate security for which progress payments are to be made. Adequate security may include taking title, letter of credit or equivalent means to protect the City's interest.

O. Architectural and Engineering Services under Construction Contracts for EPA Grants

An architectural and engineering (A/E) services provider may be retained on a construction contract only when either (a) the City received a planning or design grant from EPA and procured the A/E firm for that work in accordance with EPA regulations, (b) the City has approval from EPA to award the construction contract noncompetitively, OR (c) the initial request for planning/design proposals stated the possibility of awarding a construction services sub agreement, the A/E firm was procured in accordance with EPA regulations, there is no conflict of interest between the City (including any of the City's employees, officers, or agents) and the A/E firm, AND the City (including any of the City's employees, officers, or agents) did not receive any gratuities or favors from the A/E firm.

P. Cardinal Changes

A significant change in contract work (property or services) that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change. Such practices are sometimes informally referred to as "tag-ons." A change within the scope of the contract (sometimes referred to as an "in-scope" change) is not a "tag-on" or cardinal change. Cardinal changes are impermissible actions.

Q. Excessive Qualifications

Imposing unreasonable business requirements for businesses or offerors is prohibited.

PROCEDURES

I. CITY AGENCY RESPONSIBILITIES

A. Notification to BFS Purchasing Division

1. Inform BFS Purchasing Division of all federal funding procurement and provide the following information:
 - a. Name of the federal agency providing the grant,
 - b. Whether the City agency is the grantee or subrecipient of the federal funds,

- c. Grant procurement requirements. Generally, this information is included in the grant application or grant award document. The federal agency may also provide publications such as circulars, manuals, forms, and website accessible material.

B. Federal Funded Procurement of Goods, Services, and/or Construction greater than \$3,000

1. Prepare and submit a purchase requisition to BFS Purchasing Division. The following information must be provided with the purchase requisition before a solicitation of quotes or advertisement of procurement can be made:
 - a. Contact information of the grant manager and/or individual responsible for federal grants.
 - b. Independent cost or price estimate of the expected procurement costs and the basis for the estimate.
 - c. Mandated federal clauses required for the procurement or a written statement that there are no mandated federal clauses.

C. Federal Funded Procurement of Goods, Services, and/or Construction greater than \$500,000

1. Provide the dollar amount and the percentage of the total costs that federal funds will be used to finance the procurement. The federal funding information will be published on the BFS Purchasing Division website to solicit offers.
2. Provide any other information required by the federal funding agency for publication.

D. Procurement from Disadvantaged Business Enterprises, Small and Minority Firms, or Women's Business Enterprise and Labor Surplus Area Firms

1. Provide BFS Purchasing Division with the procurement requirements of disadvantaged business enterprises, the small and minority firms, women's business enterprise, or labor surplus area firms. This information must be provided before a solicitation of quotes or advertisement of procurement can be made. The following is a list of typical federal guidelines:
 - a. Solicit disadvantaged business enterprises, small and minority firms, and women's business enterprise firms when identified as available sources.
 - b. When economically feasible, divide the total procurement requirement into smaller tasks or quantities to permit maximum participation by disadvantaged business enterprises, small and minority firms, and women's business enterprise firms.
 - c. When possible, establish delivery schedules to encourage participation by disadvantaged business enterprises, small and minority firms, and women's business enterprises firms.
 - d. If subcontractors are to be used, require the primary contractor to use disadvantaged business enterprises, small and minority firms, and women's business enterprise firms when identified as available sources or subcontractors.
 - e. Call upon the services of the Small Business Administration and Minority Business

Development Agency for identifying and recruiting disadvantaged business enterprises, small and minority firms, and women's business enterprise firms.

E. Cost or Price Analysis Required Prior to Award

1. Prior to the award, provide BFS Purchasing Division with a cost or price analysis for the amount of the intended award. An award will not be made without a cost or price analysis.
 - a. City agency shall prepare a cost analysis when an award is made using the qualification-based selection process or sole source method of procurement.
 - b. When awarding to a single responsive and responsible bidder, the City agency must perform a cost analysis even if the competitive sealed bid method of procurement was used.
 - c. In all other instances, it is up to the City agency to provide either a cost or price analysis.
 - d. BFS Purchasing Division may prepare an additional cost or price analysis.

F. Protests of Awards

1. Notify the federal funding agency in a timely manner of any award protest and keep the federal funding agency informed of the status of the protest.
2. Upon request, disclose information regarding any third party procurement protest involving federal funds to the federal funding agency.

G. Contract Administration

1. Provide BFS Purchasing Division with the contract administrator contact information and/or individual(s) who will be responsible for the contract administration.

H. Liquidated Damages

1. To include a liquidated damages provision in the awarded contract, the City agency shall submit a written request to BFS Purchasing Division with the following information:
 - a. Amount of liquidated damages.
 - b. Basis of determining the liquidated damages (i.e. anticipated or actual damages).
 - c. Method of calculating the liquidated damages.

I. Pre-Award Audit of Rolling Stock

1. Before the City enters into a formal contract to purchase rolling stock with federal funds perform a pre-award audit.
 - a. Obtain a Buy America Certification as described in 49 CFR 663.25 to verify that the Buy America Certification meets both the 60% content and the U.S. final assembly location, operations, and total costs requirements.

- b. Obtain a Purchaser's Requirements Certification as described in 49 CFR 663.27 to verify that the bid specification complies with the solicitation specifications and that a manufacturer capability study has been completed.
- c. Review the manufacturer's letter of "Federal Motor Vehicle Safety (FMVSS) Certification" as described in 49 CFR 663.41, if applicable.

J. Post-Delivery Audit of Rolling Stock

1. Before transferring title of the rolling stock to the City perform a post-delivery audit.
 - a. Obtain a post-delivery Buy America certification as described in 49 CFR 663.35 to verify that the Buy America Certification meets both the 60% domestic content; and the actual U.S. final assembly location, operations, and total costs requirements.
 - b. Obtain a Post-delivery "Purchaser's Requirements Certification" as described in 49 CFR 663.37.
 1. For the procurement of rail vehicles or more than ten buses or modified vans obtain a Purchaser's Requirements Certification.
 2. For the procurement of rail vehicles obtain a Resident Inspector's report and the Visual Inspections and Road Tests or Performance Tests.
 - c. Review the manufacturer's Federal Motor Vehicle Safety Standard (FMVSS) self-certification information as described in 49 CFR 663.41 and 663.43. The FMVSS sticker is affixed to each bus.

K. Davis-Bacon and Related Acts

1. Ensure compliance with wage and hour requirements under the Davis-Bacon and related acts where applicable.

L. Procurement of Unnecessary or Duplicative Goods and Services

1. Check or inventory equipment, supplies and materials prior to requesting procurement action to avoid duplicative or unnecessary purchases.
2. Assess available personnel and any existing service contracts prior to requesting procurement action to avoid duplicative or unnecessary purchases.

II. BFS PURCHASING DIVISION RESPONSIBILITIES

A. Debarment and Suspension

1. Purchasing shall not make an award to a contractor that is debarred or suspended, or otherwise excluded from or ineligible for participation in federal assistance programs.
2. The System for Award Management (SAM), formerly known as Excluded Parties List System

(EPLS), shall be checked prior to award of a contract and a printout of the contractor's status placed in the procurement file.

B. Written Documentation of Procurement Negotiation and Discussion

1. BFS Purchasing Division shall secure written evidence that negotiations were conducted in procurements using other than sealed bid procedures. For non sealed bid procurement, obtain and maintain in the procurement file all evidence, such as correspondence memos, meeting minutes, discussion notes, quotations, and worksheets that document the negotiation efforts.

C. Award to Responsible Contractors

1. Prior to awarding the contract, evaluate and document in writing (written determination) that the awarded contractor is responsible. A responsible contractor possess the ability to perform successfully under the terms and conditions of the proposed procurement.

D. Procurement File Documentation

1. Maintain a procurement file that documents the procurement procedures performed such as,
 - a. Justification and selection of the procurement method.
 - b. Justification and selection of contract type.
 - c. Reasons for contractor selection or rejection.
 - d. Basis of the contract price.
 - e. The grant manager name, the contract administrator name, basis of determining liquidated damage amounts, independent cost and price estimates, and cost and/or price analysis.

E. Status of Award Protests

1. Inform the City agency of the status of award protests.

F. Time and Material Contract Ceiling Price

1. Verify that all time and material contracts have a ceiling price that the contractor shall not exceed except at its own risk.

G. Contract Term Limitation for Rolling Stock and Replacement Parts for Rolling Stock.

1. Verify that the contract term for rolling stock and replacement parts for rolling stock does not exceed five (5) years inclusive of options without prior written approval of the Federal government.

H. Exercising Contract Options

1. Review and evaluate contract options before awarding a contract. Option quantities must be evaluated to determine contract award.

2. Before exercising contract options, confirm that the option price is better than prices available in the market or is more advantageous at the time the option is exercised.
3. When exercising contract options, ensure that it is in accordance with the contract provisions.

I. Liquidated Damages

1. For contracts with a liquidated damages provision, maintain documentation in the contract file to help determine the amount of liquidated damages, such as,
 - a. Basis of determining the liquidated damages (i.e. anticipated or actual damages).
 - b. Method of calculation.

J. Pre-Award Audit of Rolling Stock (49 CFR Part 663.23)

1. Before the City enters into a formal contract to purchase rolling stock with federal funds the Purchasing Procurement and Specifications Specialist shall perform a pre-award audit.
 - a. Confirm that a Buy America Certification as described in 49 CFR Part 663.25 was obtained.
 - b. Confirm that a Purchaser's Requirements Certification as described in 49 CFR Part 663.27 was obtained.
 - c. Confirm that the manufacturer's Federal Motor Vehicle Safety certification information as described in 49 CFR Part 663.41 and 49 CFR Part 663.43 was obtained, if applicable. The Procurement and Specifications Specialist may require the requesting City agency to provide other supporting documentation, recommendations, analysis and/or data necessary to support this certification in writing.

K. Assistance with Procurement Compliance

1. The BFS Purchasing Division will assist the City departments and agencies and its own staff in complying with the federal procurement requirements by providing training, instructions, templates, forms, and checklists, as needed.
2. The BFS Purchasing Division will review the procurement procedures of semi-autonomous City agencies to ensure the consistent interpretation of local procurement requirements when required by the Federal funding agency.

Attachment B

Award Recommendation Form

Department of Budget and Fiscal Services
Division of Purchasing
AWARD RECOMMENDATION FORM

Date: 6/30/15

To: Wendy K. Imamura, Purchasing Administrator
Via: Karen Terry, Section A Supervisor
From: Glen Teramoto, Procurement and Specifications Specialist

1. Project Title: Furnish and Deliver Four (4) Forty-Foot Heavy-Duty Low Floor Clean Diesel Buses

2. Solicitation No.: RFP-DTS-812412 Contract/PO No. CT-DTS-150050~~7~~0

3. Contract Amount: \$2,186,468.00

4. Is this federally funded? YES NO

5. Description of Procurement:
Brief description of the goods, service, or construction being procured. Provide Solicitation / Sole Source / Exemption / Emergency / Procurement Violation number. State if this is a multi-term, time and materials, fixed fee, cost reimbursement contract?

Furnish and Deliver Four (4) Forty-Foot Heavy-Duty Low Floor Clean Diesel Buses

6. I recommend award to Gillig LLC
Or
 no award be made

because:
Identify how you made the determination that award to the recommended contractor/consultant is in the best interest of the City. State whether any bids were rejected and why.

Award is being made to the sole offeror in accordance with Hawaii Administrative Rules (HAR) Section 3-122-59(a)(1).

7. Procurement Method:
Check the appropriate procurement method. If other, cite the applicable HRS that applies.

- HRS 103D-102, Exempt
- HRS 103D-302, Competitive Sealed Bid
- HRS 103D-303, Competitive Sealed Proposals
- HRS 103D-304, Professional Services
- HRS 103D-305, Small Purchase
- HRS 103D-306, Sole Source
- HRS 103D-307, Emergency
- Other, cite HRS : _____

8. Method of Award:
State how award is being made (by item, group, total sum, etc.).

Total sum.

9. Justification for award:

a) Offeror is responsive because:

Identify how you have determined that the offeror has submitted an offer which conforms in all material respects to the solicitation.

Offeror's proposal meets the requirements specified in the solicitation.

b) Offeror is responsible because:

Identify how you have determined that the offeror has the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance.

To the best of my knowledge, the Offeror has been in the bus manufacturing business for approximately 125 years and is HCE compliant.

c) Price/cost is fair and reasonable because:

Provide fair and reasonable price/cost justification. For professional services, state how the price was negotiated and how you have determined the negotiated price is fair and reasonable.

The solicitation was posted on the City's website from May 6, 2015 through June 19, 2015. There were five (5) potential offerors that downloaded the bid however, only one (1) offeror submitted a proposal. I called and spoke to one (1) potential offeror who declined to bid due to the company's current workload preparing proposals on other solicitations during this time of the fiscal year. Another company who downloaded the solicitation stated that they did not manufacture 40' buses. The offer price \$546,617.00 submitted by Gillig LLC for a single bus is fair and reasonable in my opinion. Similar forty-foot diesel buses were sold to municipalities in Austin, TX, Indianapolis, IN, Montgomery County, MD, Phoenix, AZ, and Vancouver, WA. Prices ranged from \$521,796.00 to \$575,361.00. were awarded from September 2014 through January 2015 to municipalities in Austin, TX, Indianapolis, IN, Montgomery County, MD, Phoenix, AZ, and Vancouver, WA. Prices ranged from \$521,796.00 to \$575,361.00.

10. Preferences:

- a) Was a preference applied? YES NO

If yes, which preference(s)?

- b) Did an application of a preference affect the award? YES NO

If yes, how?

11. Was there a protest? YES NO

If yes, what was the reason for the protest and what was the resolution?

12. Additional Comments.

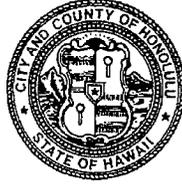
Provide any additional information or comments.

Attachment C

June 8, 2015 Memorandum

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • INTERNET: www.honolulu.gov

KIRK CALDWELL
MAYOR



NELSON H. KOYANAGI, JR.
DIRECTOR

GARY T. KUOKAWA
DEPUTY DIRECTOR

June 8, 2015

MEMORANDUM

TO: All City Departments and Agencies

FROM: 
Nelson H. Koyanagi, Jr., Director
Department of Budget and Fiscal Services

SUBJECT: Budget and Fiscal Services Policies and Procedures Manual
Revision to Index 01.12, Federal Funded Procurement

The Budget and Fiscal Services Policies and Procedures Manual Index 01.12, Federal Funded Procurement, has been revised to address new Federal procurement requirements. The changes are highlighted in yellow. Please replace your existing Index 01.12 with the attached revision.

The revision will be made directly to the Budget and Fiscal Services Policies and Procedures Manual located on the City's intranet website and is accessible at <http://cityfyi.hnl>.

Attachment

APPROVED:


Roy K. Amemiya, Jr.
Managing Director

Disadvantaged Business Enterprise (DBE)

**FY 2015 Triennial Review Final Report
Corrective Actions to Review Findings**

Review Area: DBE

Finding/Deficiency: D-365 Other- ARRA quarterly reports were not submitted timely

Corrective Action: Develop and submit to the FTA Region IX and X Civil Rights Officers DTS procedures to ensure that future ARRA reports will be submitted quarterly.

Notify the FTA Region IX and X Civil Rights Officers when missing reports have been uploaded to the FTA grant award and management system.

Action Taken: On March 25, 2015, the Transportation Planning Division of DTS uploaded to the FTA grant award and management system all missing ARRA quarterly reports and DTS procedures to ensure that future ARRA reports will be submitted quarterly.

Satisfactory Continuing Control

**FY 2015 Triennial Review Final Report
Corrective Action From**

Review Area: 9. Satisfactory Continuing Control

Deficiency: D-58 – Inadequate equipment records

Corrective Action: Submit to the FTA regional office updated DTS equipment records that contain all required information.

Action Taken: A new field showing that the City and County of Honolulu is the title holder for all FTA-funded equipment was added to the City's Department of Budget and Fiscal Services' Fixed Asset Report (Attached).

Report ID: FIN-FA-0002
Run Date: 7/15/2015
Run Time: 9:20:00 AM

City and County of Honolulu
Detail Report by Fixed Asset Number
July 1, 2014 to June 30, 2015

SAMPLE

Cover Page

Parameters and Prompts

Department: DTS
Fiscal Year: 2015
Fixed Asset Type: E
Location:
Sub Location:

Report Description

Report Name: FIN-FA-0002 Detail Report by Fixed Asset Number
Run Date: 7/15/15 9:20 AM
Description: Lists all records that are on the Fixed Assets database. Note: Zero Value in the UNITS Column = Asset is Retired

Run Date: 7/15/2015

Detail Report by Fixed Asset Number

Run Time: 9:20:00 AM

July 1, 2014 to June 30, 2015

SAMPLE

Department: DTS - Transportation Services

Location: 1602 - ADMINISTRATION

Sub Location: 001 - ADMINISTRATION

Fixed Assets

Cost on July 1

Acquisitions

Adjustments

Total Cost

E0443757

16,008.10

0.00

0.00

16,008.10

Fixed Assets Description: HP DESIGNJET T1200 HD SCANNER

Comp. No.	Acq. Date	In Service Date	Units	Tag No.	Obj.	Manufacturer	Model No.	Serial No.
0001	03/27/2012	10/03/2012	1			HP	T1200	DK2110B009

Extended Desc. HP DESIGNJET T1200 HD SCANNER

Commodity Code 20684 Scanners, Document Handheld, Desktop, And High Volume

Grant Info

Disposition Authority

Disposition Date

Custodian Titleholder: City and County of Honolulu

Sub Location Total	Record Count	Cost on July 1	Acquisitions	Adjustments	Total Cost
	1	16,008.10	0.00	0.00	16,008.10

Run Date: 7/15/2015

Detail Report by Fixed Asset Number

Run Time: 9:20:00 AM

July 1, 2014 to June 30, 2015

SAMPLE

Department: DTS - Transportation Services
 Location: 1602 - ADMINISTRATION
 Sub Location: 999 - NEW ASSET HOLD AREA

Fixed Assets	Cost on July 1	Acquisitions	Adjustments	Total Cost
E0444795	70,892.50	0.00	0.00	70,892.50

Fixed Assets Description: PA SYSTEM - MIDDLE STREET INTERMODAL CENTER, PHASE 2B-3A

Comp. No.	Acq. Date	In Service Date	Units	Tag No.	Obj.	Manufacturer	Model No.	Serial No.
0001	08/18/2011	10/14/2011	1					
Extended Desc.	PA SYSTEM - MIDDLE STREET INTERMODAL CENTER, PHASE 2B-3A							
Commodity Code	90930 Building Construction (Not Otherwise Classified)							

Grant Info

Disposition Authority

Disposition Date

Custodian Titleholder: City and County of Honolulu

Fixed Assets	Cost on July 1	Acquisitions	Adjustments	Total Cost
E0444796	95,485.50	0.00	0.00	95,485.50

Fixed Assets Description: KIOSK SYSTEM - MIDDLE STREET INTERMODAL CENTER, PHASE 2B-3A

Comp. No.	Acq. Date	In Service Date	Units	Tag No.	Obj.	Manufacturer	Model No.	Serial No.
0001	08/18/2011	10/14/2011	1					
Extended Desc.	KIOSK SYSTEM - MIDDLE STREET INTERMODAL CENTER, PHASE 2B-3A							
Commodity Code	90930 Building Construction (Not Otherwise Classified)							

Grant Info

Disposition Authority

Disposition Date

Custodian Titleholder: City and County of Honolulu

Run Date: 7/15/2015

Detail Report by Fixed Asset Number

Run Time: 9:20:00 AM

July 1, 2014 to June 30, 2015

SAMPLE

Department: DTS - Transportation Services
 Location: 1602 - ADMINISTRATION
 Sub Location: 999 - NEW ASSET HOLD AREA

Fixed Assets	Cost on July 1	Acquisitions	Adjustments	Total Cost
E0444807	7,098.69	0.00	0.00	7,098.69

Fixed Assets Description: RICOH FW780 WIDE-FORMAT ANALOG COPIER

Comp. No.	Acq. Date	In Service Date	Units	Tag No.	Obj.	Manufacturer	Model No.	Serial No.
0001	04/11/2013	05/23/2013	1			RICOH	FW780	L2921200001
Extended Desc. RICOH FW780 WIDE-FORMAT ANALOG COPIER								
Commodity Code 84076 Video Projectors, Accessories And Parts								

Grant Info

Disposition Authority

Disposition Date

Custodian Titleholder: City and County of Honolulu

Fixed Assets

Fixed Assets	Cost on July 1	Acquisitions	Adjustments	Total Cost
I100000000594	827,495.00	0.00	0.00	827,495.00

Fixed Assets Description: COMPUTERIZED TRAFFIC CONTROL SYSTEM UPGRADES- PROJECT NO.CTC

Comp. No.	Acq. Date	In Service Date	Units	Tag No.	Obj.	Manufacturer	Model No.	Serial No.
0001	07/13/2011	06/30/2012	1					
Extended Desc.								

Commodity Code 90930 Building Construction (Not Otherwise Classified)

Grant Info

Disposition Authority

Disposition Date

Custodian Titleholder: City and County of Honolulu

Record Count	Cost on July 1	Acquisitions	Adjustments	Total Cost

Report ID: FIN-FA-0002

Run Date: 7/15/2015

Run Time: 9:20:00 AM

City and County of Honolulu

Detail Report by Fixed Asset Number

July 1, 2014 to June 30, 2015

SAMPLE

Department: DTS - Transportation Services

Location: 1602 - ADMINISTRATION

Sub Location: 999 - NEW ASSET HOLD AREA

Sub Location Total

4 1,000,971.69 0.00 0.00 1,000,971.69

Location Total

5 1,016,979.79 0.00 0.00 1,016,979.79

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 9. Satisfactory Continuing Control

Deficiency: D-84 - Lacking excess real property utilization inventory/plan out of date

Corrective Action: Submit to the FTA regional office an excess real property utilization plan for DTS.

Action Taken: An excess real property utilization plan is attached. Full appraisal report available upon request.

EXCESS REAL PROPERTY INVENTORY AND UTILIZATION PLAN

**DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU**

July 1, 2015

FTA Excess Real Property:

Former Halawa Bus Maintenance Facility

99-999 Iwaena Street

Aiea, Oahu, Hawaii

FTA Excess Real Property Reference:

U.S. Department of Transportation, Federal Transit Administration Circular FTA C 5010.1D, November 1, 2008; Rev. 1, August 27, 2012

Requirement:

FTA C 5010.1 D, j. Real Estate Disposition – Excess Real Property Inventory and Utilization Plan: “The grantee shall prepare and keep up to date an excess property inventory and utilization plan for all property that is no longer needed to carry out any transit purposes. The inventory list should include such things as property location; summary of any conditions on the title; original acquisition cost and the Federal participation ratio; FTA grant number; appraised value and date; a brief description of improvements; current use of the property; and the anticipated disposition or action proposed.”

Excess Real Property:

The subject property is improved with a large masonry vehicular repair structure with two-levels of office spaces, a large-vehicle repair and maintenance shop area, and roof-top parking. The property was used as a service and maintenance facility for the City’s bus and para-transit fleet before consolidating this operation with the Pearl City Transit Center, which now places the subject property in the excess real property category. The City is currently using the property to service its non-transit vehicles and as a baseyard. The specifics and latest appraised value are shown below.

	Land	Improvements
Tax Map Key	9-9-073-027	Same
Area	10.656 Acres 464,186 sq. ft.	69,668 sq. ft.

Acquisition Year	1975	1977
Acquisition Grant	HI-03-0004	HI-03-004
Acquisition Cost	\$1,342,740.00 (100%)	\$4,385,482.00 (100%)
FTA Share	\$1,074,000.00 (≈80%)	\$3,508,385.60 (80%)
City Share	\$ 268,740.00 (≈20%)	\$ 877,096.40 (20%)

CURRENT APPRAISED VALUE		
FFY2015	Land and Improvements	
Appraised Date	May 18, 2015	
Appraised Value	\$37,400,000 (100%)	
FTA Share	\$29,920,000 (80%)	
City Share	\$ 7,480,000 (20%)	

Reason for Excess Property:

Transit maintenance operations at the Halawa site were transferred sometime in November 2001 to the then new Pearl City Transit Center and Maintenance Facility to consolidate service and maintenance operations for the western and central routes. The City’s Middle Street Transit Center and Maintenance Facility handles the eastern corridor.

After transit operations ceased at the Halawa site, the City operated the facility as a repair and maintenance shop for its non-transit vehicles, garbage trucks, and large-type vehicles and included some baseyard activities. Consequently, the site is not being used for transit purposes nor as originally authorized in its FTA grant resulting in its excess property classification. The subject property with its large-scale facilities and built-in special equipment is considered a limited-market property with a limited amount of potential users.

Disposition Action:

As stated in FTA C 50501.1D, j. Real Estate Disposition, (2) Disposition Alternatives, (c) Alternative Disposition Methods: “When real property is no longer needed for any transit purpose, the grantee will request disposition instructions from FTA.” DTS is aware of the nine alternative disposition methods and requests instructions from FTA for the best method, which would transfer the FTA interest in the Halawa property to a planned Ala Moana Transit Center adjacent to HART’s Ala Moana Rail Station. The Ala Moana Transit Center is needed because the Ala Moana Rail Station is expected to be the heaviest boarding station in the system with a projected 23,000 boardings daily. The Ala Moana Transit Center will be a vital and core facility in the TOD zone, which is designed around significant inter-modal connectivity for walking, biking, and transit usages. The Transit Center plans to occupy the lots located at 1391 (TMK: 2-3-39-11), 1405 (TMK: 2-3-39-06), 1415 (TMK: 2-3-39-05), and 1423 (TMK: 2-3-39-04) Kapiolani Boulevard,

Honolulu. Currently, the properties are being used as temporary commercial businesses. We suggest that it would be mutually beneficial and advantageous if the FTA's Halawa interest is programmed for the proposed Ala Moana Transit Center.



1164 BISHOP STREET • SUITE 1102 • HONOLULU, HAWAII 96813
TELEPHONE: (808) 524-3602 • FAX: (808) 536-3104

May 18, 2015

Mr. Michael D. Formby
Director
City and County of Honolulu
Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

REGARDING: FORMER HALAWA BUS MAINTENANCE FACILITY, 99-999 IWAENA STREET, AIEA OAHU, HAWAII; TAX MAP KEY: (1) 9-9-73-27

Dear Mr. Formby:

In accordance with your request, an appraisal report on the above mentioned property has been prepared.

The purpose of this appraisal is to estimate the current fee simple market value of the subject property in its highest and best use, exclusive of improvements constructed with City funds during the modification and expansion into the Halawa Corporation Yard. The subject property consists of a large masonry vehicular repair and maintenance facility with administrative offices and rooftop parking, a bus/truck wash structure and a fueling facility situated on a land area of 10.656 acres that is zoned for Intensive Industrial (I-2) District.

The Intended User of this appraisal report is the City and County of Honolulu and the Federal Transportation Administration. The Intended Use is to reimburse the Federal Transportation Administration for their participation in the development of the former Bus Facility in Halawa, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report for, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

Together with my data, reasoning and conclusions, I hereby submit my report. The effective date of the appraisal is April 2, 2015 and the date of the report is May 18, 2015. The Cost Approach has been utilized in the valuation of the subject property. The Income and Sales Comparison Approaches have not been utilized. The subject property is considered a "limited market property" where there are only a few potential users that are in need of a large vehicular repair and maintenance facility with administrative offices, a bus/truck wash structure and a fueling facility, and the appraiser was unable to locate any recent data on improved sales or rentals of similar properties with large vehicular repair and maintenance use.

REHKEMPER & CO., INC.

Letter to: Michael D. Formby – Department of Transportation Services

TMK: (1) 9-9-73-27

May 18, 2015

This appraisal was prepared with a "hypothetical condition" that some of the existing improvements situated on the subject site have not been considered in the valuation of the subject property as they were constructed with City funds. The existing improvements that were not considered include a metal frame administration building, storage shed and loading pad. Therefore, the appraisal assignment is to value the subject property exclusive of improvements constructed with City funds during the modification and expansion into the Halawa Corporation Yard

To the best of my knowledge and ability, this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book).

The estimated reasonable exposure time (i.e., the length of time the subject property would have been exposed for sale in the market had it sold at the market value concluded in this analysis as of the date of valuation) for industrial-zoned properties in the price range of \$6,000,000 to \$40,000,000 is six to twelve months.

I am of the opinion that the market value of the fee simple interest in the subject property, exclusive of improvements constructed during the modification and expansion into the Halawa Corporation Yard, as of April 2, 2015, is:

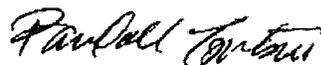
THIRTY-SEVEN MILLION FOUR HUNDRED THOUSAND DOLLARS

\$37,400,000.00

Thank you for allowing Rehkemper & Company, Inc. to be of assistance to you in this assignment.

Sincerely,

REHKEMPER & COMPANY, INC.



Randall Tsutsui, MAI

Vice President

Hawaii State Certified

General Appraiser, CGA-80

Expiration Date: December 31, 2015

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Planning/POP

**FY 2015 Triennial Review Final Report
Corrective Action Form**

Review Area: 10. Planning/POP

Deficiency: D-55 - Elements missing in POP public participation procedures

Corrective Actions: Submit to the FTA regional office a revised MPO participation plan for the TIP that contains the missing elements.

Submit to the FTA regional office procedures to ensure that the MPO participation plan for the TIP continues to include the required elements with every update cycle.

Action Taken: On June 30, 2015, the Oahu Metropolitan Planning Organization approved an amendment to its OahuMPO Participation Plan (Attachment A) which added language to address this deficiency. (OahuMPO Participation Plan, Part 5, Section 5.2, Sub-Section 5.2.6, page 27)

The City and County of Honolulu shall, during each revision and update to the Transportation Improvement Program (TIP), verify with the Oahu Metropolitan Planning Organization that the corrective action procedures (Attachment B) are followed.

Attachment A

OahuMPO Participation Plan

THE OahuMPO

PARTICIPATION PLAN

FOR

THE METROPOLITAN TRANSPORTATION

PLANNING PROCESS

Endorsed by the OahuMPO Policy Committee
December 15, 2006

Amended by the Policy Committee
June 30, 2015



Oahu Metropolitan Planning Organization

Ocean View Center / 707 Richards Street, Suite 200 / Honolulu, Hawaii 96813-4623
Telephone (808) 587-2015 • (808) 768-4178 / Fax (808) 587-2018
Email: OahuMPO@OahuMPO.org / website: www.OahuMPO.org

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FOREWORD

The Oahu Metropolitan Planning Organization (OahuMPO) was created in 1975 to ensure that existing and future expenditures for transportation projects and programs are based on a comprehensive, cooperative, and continuing (3-C) planning process. As the designated metropolitan planning organization (MPO) for the island of Oahu, the OahuMPO carries out various requirements mandated by the United States Department of Transportation. The creation of MPOs by the Federal government in the 1970's was precipitated by a need to hear the voice of the people and ensure that their concerns and feedback were part of the transportation investment decision-making process. In a democratic society, the public should have a say in how its tax dollars are spent and how its community is developed. Soliciting, understanding, and documenting the public's voice are among the most important responsibilities of the OahuMPO.

This Participation Plan of the OahuMPO has been developed to help members of the public and affected organizations, including government agencies, understand: 1) our planning process for Oahu's major surface transportation efforts and 2) how to participate effectively in that process. The process results in publically vetted plans and programs that provide direction to the development of our surface transportation system. Although the OahuMPO programs the federal funding of many of the City and State transportation projects, the OahuMPO does not design or construct these projects. As such, the Participation Plan focuses on the transportation planning aspects that fall within the OahuMPO's purview.

The Participation Plan has been developed to ensure compliance with the 2012 Moving Ahead for Progress in the Twenty-First Century (MAP-21) legislation, as well as guidance from the Federal Highway Administration and Federal Transit Administration. The procedures outlined in the Participation Plan will be reviewed periodically and updated as necessary to ensure a full and open participation process.

Brian Gibson
Executive Director

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GLOSSARY OF ACRONYMS
FOR THE
OahuMPO PARTICIPATION PLAN

3-C	Comprehensive, Cooperative and Continuing
ADA	Americans with Disabilities Act
CAC	Citizen Advisory Committee
DBEDT	Department of Business, Economic Development and Tourism
DOT	Department of Transportation
DPP	Department of Planning and Permitting
DTS	Department of Transportation Services
EJ	Environmental Justice
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
MAP-21	Moving Ahead for Progress in the Twenty-First Century
MPO	Metropolitan Planning Organization
OahuMPO	Oahu Metropolitan Planning Organization
ORTP	Oahu Regional Transportation Plan
OWP	Overall Work Program
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users
STIP	Statewide Transportation Improvement Program
T6/EJ	Title VI and Environmental Justice
TAC	Technical Advisory Committee
TIP	Transportation Improvement Program
UH	University of Hawaii
USDOT	United States Department of Transportation

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PART 1

METROPOLITAN TRANSPORTATION PLANNING PROCESS

1.1 OVERVIEW

Transportation planning in metropolitan areas is a collaborative process led by the metropolitan planning organization (MPO) and other key stakeholders in the regional transportation system. This process is designed to foster involvement by all interested parties – such as the general public, the business community, community groups, environmental organizations, and affected public agencies –through a proactive public participation process conducted by the MPO in coordination with the state and the transit operator.

The metropolitan transportation planning process is aimed at developing programs to meet a region's transportation needs by analyzing the existing system and preparing plans and studies in a comprehensive, cooperative, and continuing manner. This process, referred to as the 3-C (comprehensive, cooperative, and continuing) planning process, is federally required as a condition for receipt of federal highway and transit funds.

These plans and programs are the basis for the development and operation of an integrated, intermodal transportation system that facilitates the efficient and economic movement of people and goods.

The Oahu Metropolitan Planning Organization (OahuMPO) Participation Plan, developed under the metropolitan planning process, applies to those activities under the purview of the OahuMPO. Transportation planning programs and projects managed by the State, City, or Operator can follow their own respective participation plans, which may differ from those of OahuMPO. This Participation Plan satisfies the City's public participation process for its Program of Projects, to meet Urbanized Area Formula Program under 49 U.S.C. 5307 public involvement requirements.¹

1.2 THE OAHU METROPOLITAN PLANNING ORGANIZATION

The Oahu Metropolitan Planning Organization (OahuMPO) is the MPO for Oahu. The OahuMPO was established by State law as a City/State agency to coordinate transportation planning on Oahu in cooperation with the State and City transportation and planning agencies. This State law was a response to the Federal Surface Transportation Assistance Act of 1973, which required the formation of an MPO to ensure that existing and future expenditures for transportation projects and programs were based on the 3-C planning process. Federal funding for transportation projects and programs are channeled through this planning process.

¹ 23 CFR 450.314, 316, 322 and 324
FTA Circular 9030.1D, Ch. IV, Section 6

Organizationally, the OahuMPO has four components:

1.2.1 The Policy Committee

The Policy Committee is the OahuMPO's decision-making body. It has thirteen members: six State Legislators, five City Council members, the State Department of Transportation Director, and the City Department of Transportation Services Director.

The Policy Committee has two standing advisory committees - the Technical Advisory Committee and the Citizen Advisory Committee.

1.2.2 The Technical Advisory Committee (TAC)

The TAC is responsible for ensuring the technical competence of the planning process. Its members include two staff representatives from each agency: State Department of Business, Economic Development and Tourism, State Department of Transportation, City Department of Planning and Permitting, and City Department of Transportation Services. The Hawaii Transportation Association Managing Director, a University of Hawaii faculty member, and representatives from the Federal Highway, Transit, and Aviation Administrations are non-voting members of the TAC. The TAC advises both the Policy Committee and the OahuMPO Executive Director on technical matters.

1.2.3 The Citizen Advisory Committee (CAC)

The CAC is the foundation of the OahuMPO's public involvement program. The CAC advises the Policy Committee and the OahuMPO's Executive Director with input from its members on transportation planning issues.

The CAC was established by the Policy Committee in July 1977 and operates under a set of bylaws (See *Appendix A*). Its members include non-governmental organizations and City neighborhood boards, representing diverse segments of the community (see OahuMPO website for current list of member organizations). The CAC provides a vehicle for informing interested citizens of various transportation issues and for face-to-face discussions with key decision-makers and project administrators.

1.2.4 The OahuMPO Executive Director and Staff

The OahuMPO Executive Director and staff are responsible for the administration and implementation of policy, project direction, and coordination as directed by the Policy Committee.

1.3 PLANNING ACTIVITIES IN WHICH THE OahuMPO IS INVOLVED

The OahuMPO'S planning activities include:

- Developing three major documents: a long-range (minimum 20-year) Oahu regional transportation plan (ORTP), a short-term (four-year) transportation improvement program (TIP), and an annual overall work program (OWP) of transportation planning studies;
- Conducting special planning studies in support of the basic planning programs;
- Reviewing planning projects for compatibility with other planning efforts and for compliance with applicable federal transportation planning rules; and
- Serving as a resource for City and State transportation and planning agencies.

It is important to understand that activities such as a project's local funding, design and construction, program operations, and neighborhood street improvements are **not** addressed by the OahuMPO's planning activities. Furthermore, while access to air and water transportation facilities is subject to the planning process, planning for airport and harbor facilities is not within the OahuMPO's area of responsibility.

1.3.1 Oahu Regional Transportation Plan (ORTP)

The ORTP is the official guide for the development of the major surface transportation facilities and programs to be implemented on Oahu. Based upon projected transportation needs, the plan identifies short-range and long-range strategies and actions that should ultimately lead to the development of an integrated intermodal transportation system that facilitates the safe, efficient, and effective movement of people and goods. The ORTP must be updated at least once every five years and may be amended as necessary.

1.3.2 Transportation Improvement Program (TIP)

The TIP is a four-year funds programming document that identifies and establishes the implementation priority for State and City transportation projects to be funded in part with federal highway and transit funds. Additionally, regionally significant projects requiring an action by Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) must be included in the TIP, even when federal highway or transit funds are not used. All TIP projects must be consistent with the ORTP and expected to be "ready-to-go" in its programmed year.

When approved by the Policy Committee and the Governor, the entire TIP project listing is incorporated as the Oahu element of the *Statewide Transportation Improvement Program* (STIP). All projects proposed to be funded with FTA or FHWA funds must be included in the STIP for joint FHWA and FTA approval. The TIP is updated every three years and may be amended as necessary.

1.3.3 Overall Work Program (OWP)

The OWP is the key management tool for coordinating State and City transportation planning activities on Oahu. It describes the planning projects to be undertaken during the programmed year. Project objectives and tasks are outlined with the budgetary and staff requirements needed to carry out each project. In addressing current transportation issues and problems, the OWP reflects local planning policies, and federal transportation priorities and requirements. The OWP may be amended during the program year.

1.3.4 Special Projects

The OahuMPO and its participating agencies conduct special planning projects in addition to those that are specifically required under the federal planning rules. These projects generally support or further develop the ORTP and TIP, and are programmed in the annual OWP.

PART 2

THE PARTICIPATION PLAN

Public involvement has always been an important component of the OahuMPO's transportation planning process. In addition, the federal regulations require that metropolitan planning organizations develop a documented participation plan which provides all interested parties with reasonable opportunities to be involved in the metropolitan planning process.

2.1 PARTICIPATION PLAN MISSION STATEMENT

The *mission* of the OahuMPO Participation Plan (OPP) is to seek and encourage public participation by stimulating broad public awareness of, and increased public participation in, the OahuMPO's comprehensive, cooperative, and continuing transportation planning and decision-making process.

2.2 PARTICIPATION PLAN GOALS AND OBJECTIVES

The overall *goal* of the OPP is to ensure that the products of the OahuMPO's metropolitan transportation planning process reflect the needs and concerns of the public.

The *objective* of the OPP is to continue to expand its outreach programs by:

- Identifying ways to more effectively involve communities, groups, and individuals – including citizens who are traditionally underserved and underrepresented, such as minority and low-income populations;
- Providing interested communities, groups, and individuals with pertinent information in a timely manner; and
- Establishing effective means of obtaining feedback from interested communities, groups, and individuals through the transportation planning process.

With the assistance of its CAC, the OahuMPO continues to move in this direction – improving public involvement opportunities and strengthening community trust and support.

2.3 TITLE VI AND ENVIRONMENTAL JUSTICE CONSIDERATIONS

Title VI, of the Civil Rights Act of 1964, and environmental justice are about fairness. Fairness means that everyone will be treated equally in receiving benefits and not discriminated against by being unduly impacted environmentally, socially, or economically. As such, the OahuMPO is committed to proactive outreach to ensure full and fair participation in the transportation decision-making process by all citizens – regardless of race, ethnicity, or income.

2.3.1 Title VI Legislation

Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups). Title VI states, “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 subjected to discrimination under any program or activity receiving federal financial assistance.”

In 1994, President Clinton issued Executive Order 12898, directing all federal agencies to implement environmental justice. The Environmental Justice Order further amplifies Title VI by providing that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

The United States Department of Transportation (USDOT) has identified environmental justice as an “undeniable mission of the agency” along with safety and mobility. USDOT stresses three principles of environmental justice:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

2.3.2 The OahuMPO Policy Statement for Title VI & Environmental Justice

The Policy Committee approved the following Title VI & Environmental Justice OahuMPO Policy Statement on July 19, 2001:

It is the policy of the Oahu Metropolitan Planning Organization (OahuMPO) to adhere to the following Federal regulations:

- *The Civil Rights Act of 1964*
- *Environmental Justice (Executive Order 12898)*
- *Civil Rights Restoration Act of 1987*

- *Age Discrimination Act of 1975*

The OahuMPO will fully comply with the above statutes and their implementing regulations and will not discriminate on the basis of race, color, gender, national origin, age, or low-income. The OahuMPO will not exclude anyone from participation in, deny the benefits of, or otherwise discriminate under any of its programs or activities.

OahuMPO's intent is to eliminate participation barriers and engage minority and low-income populations in its outreach activities. The OahuMPO will seek the input of those traditionally underserved by existing transportation systems, such as minority and low-income populations, who may face challenges accessing employment and other services.

2.3.3 Other Legislation

Section 504 of the Rehabilitation Act of 1973 provides that, "(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal Financial assistance" and thus, prohibits discrimination based on physical or mental handicap.

The Americans with Disabilities Act of 1990 provides that, "(N)o qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government". This legislation essentially provides enforceable standards to address discrimination against individuals with disabilities.

With the Rehabilitation Act and the American with Disabilities Act in mind, it is also the intent of the OahuMPO to eliminate participation barriers for persons with physical or mental disabilities.

PART 3

PARTICIPATION PLAN ADMINISTRATIVE GUIDELINES

The following administrative guidelines and procedures are established to implement the OPP public involvement activities under the purview of the OahuMPO, and are subject to the availability of financial and staff resources and the direction of the OahuMPO Executive Director.

3.1 PUBLIC INVOLVEMENT OPPORTUNITIES

The following procedures are used to foster ample opportunity for public involvement and to maximize the opportunity for public comment:

- 3.1.1. Opportunities for public involvement at key decision points shall be provided and identified for the OahuMPO's major planning work products (i.e., development of the ORTP, TIP, and OWP).
- 3.1.2. Unless otherwise determined, meetings of the CAC will be the primary vehicle for distribution of public information. (Refer to sections 3.2 and 3.4.)
- 3.1.3. A response to questions and comments will be provided when formally requested to do so (e.g., written requests for written responses).
- 3.1.4. When appropriate, the OahuMPO may support public involvement efforts of the State and City legislative and executive agencies with regard to transportation planning activities.
- 3.1.5. The OahuMPO will periodically review the effectiveness of the procedures and strategies contained herein to ensure a full and open participation process.

3.2 PUBLIC MEETINGS

The following procedures are used for public meetings, including meetings of the OahuMPO CAC, TAC, and Policy Committee:

- 3.2.1. Meetings will follow the State of Hawaii's Sunshine Law (*Section 92-7, HRS*) and be open to the public.
- 3.2.2. Public meetings will be held at convenient and accessible locations and times.

3.3 STANDING COMMITTEE MEETINGS

The following, additional procedures are used as defined for each of the OahuMPO's standing committees. The standing committees are the CAC, TAC, and Policy Committee.

3.3.1. General Guidelines

- a. All procedures that apply to public meetings, as described in Section 3.2, apply to meetings of the OahuMPO's standing committees.
- b. The Chair of each committee will determine the committee's agenda.
- c. Meetings will be documented; meeting minutes will be circulated as part of the meeting materials distributed for the next meeting.
- d. Committee membership and mailing lists will be regularly maintained and updated.
- e. For standing committee members, copies of all meeting materials (including the agenda, minutes, and other materials) will be provided to members of that specific committee, free of charge, for their respective meeting. For example, Policy Committee members will receive all Policy Committee meeting materials; the representative and alternate(s) of each CAC member organization will receive all CAC meeting materials.
- f. Language translation and other special needs for meetings will be provided upon requests made at least three (3) business days in advance of the meeting.
- g. Meeting notices and minutes will be posted on the OahuMPO website (www.OahuMPO.org)

3.3.2. Policy Committee Meetings

- a. Meetings of the Policy Committee shall be scheduled as needed.
- b. Public testimony will be accepted at meetings of the Policy Committee (see Section 3.7 for guidelines on submitting oral and written testimony).
- c. The receipt and the disposition of formal communications from the CAC shall be noted at the Policy Committee meetings and reflected in the Policy Committee meeting minutes. A letter of acknowledgement for each formal communication shall be sent to the CAC Chair.

3.3.3. Citizen Advisory Committee Meetings (CAC)

- a. Meetings of the CAC shall be scheduled monthly.
- b. The CAC may review proposed transportation plans and issues under the purview of the OahuMPO and report its comments and/or recommendations to the Policy Committee.
- c. Representatives of CAC member organizations will be surveyed periodically

to assess the most convenient times and locations for CAC meeting.

- d. CAC member and guest organization attendance records will be regularly maintained and updated.
- e. Orientation meetings will be provided for new and existing CAC members upon request.
- f. Meetings of the subcommittees of the CAC shall be scheduled as needed.
- g. Topics for CAC meetings may be proposed by members and submitted to the OahuMPO and the CAC Chair for consideration.
- h. The Bylaws of the CAC provide additional information about the CAC (see Appendix A).
- i. All members of the Policy Committee shall be included on the CAC mailing lists.

3.3.4. Technical Advisory Committee Meetings (TAC)

- a. Meetings of the TAC shall be scheduled as needed.
- b. All members of the Policy Committee shall be included on the TAC mailing lists.

3.4 DISTRIBUTION OF PUBLIC RECORDS

3.4.1. The ORTP, TIP, OWP, and OPP documents are posted on the OahuMPO website for the public's convenience.

3.4.2. Upon request, each Policy Committee member, TAC agency, and CAC member organization shall receive, at no cost, a single copy of the OahuMPO planning documents: OWP, TIP, ORTP and OPP.

3.4.3. Standing Committee Meeting Materials

- a. Copies of meeting agendas and/or meeting minutes are provided, free of charge, to all persons requesting receipt by fax, mail, or electronic mail (email).
- b. When possible, other meeting materials distributed to standing committee members will be provided, free of charge, to all persons requesting receipt by fax or email.
- c. For meeting materials that cannot be faxed or emailed, a nominal fee will be charged. The cost will include postage, if applicable. Payment must be made in advance. The OahuMPO Office Manager should be contacted at 587-2015 to make arrangements (see Section 3.4.5).

3.4.4. All meeting materials and public records – such as planning/programming

documents, studies, and reports – shall be available at the OahuMPO offices for public inspection during normal business hours for review, duplication, or purchase at a nominal cost (see Section 3.4.5). An appointment is recommended (call 587-2015 to schedule an appointment).

- 3.4.5.** The OahuMPO follows the Office of Information Practice’s Hawaii Administrative Rules, Title 2, Subtitle 7, Chapter 71, Agency Procedures and Fees for Processing Government Record Requests.

3.5 INTERESTED PARTIES & INTERGOVERNMENTAL REVIEW

3.5.1. A list of interested parties and intergovernmental agencies will be developed and periodically updated that includes, but is not limited to, citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, agencies or entities responsible for safety/security operations, providers of non-emergency transportation services, and other interested parties.

3.5.2. Interested Parties

- a. All non-public agencies, including individuals, organizations, groups, for-profit and non-profit entities, etc. on the “interested parties” list are offered the opportunity to participate in the public review process.
- b. Anyone and any group may request to be included on the “list of interested parties” by contacting the OahuMPO directly (see front cover of this document for contact information).

3.5.3. Intergovernmental Review

- a. Public agencies and utilities are offered the opportunity to participate in an intergovernmental review process.
- b. Any affected public agency or utility may request to be included on the intergovernmental review list by contacting the OahuMPO directly (see front cover of this document for contact information).

3.5.4. Circulation and Use of the Lists

- a. The interested parties and intergovernmental review lists is used to solicit public input on major documents and transportation planning activities having a wide impact on the community, as described in Section 3.6.
- b. For minor documents or transportation planning activities having a more limited community impact, where public input is desired, a subset of the interested parties and intergovernmental review lists may be used.
- c. The interested parties and intergovernmental review lists is only used by the OahuMPO for pertinent government-related business as it applies to

transportation planning.

- i. Personal information – such as home addresses, telephone numbers, cell phone numbers, and e-mail addresses – may not be released to the general public without written consent. The lists, including personal information, may be shared with other government agencies needing the information for the same purpose as the OahuMPO (i.e., to obtain input on or to transmit information related to transportation planning issues).

3.6 PUBLIC REVIEW OF DRAFT DOCUMENTS

The following procedures, in conjunction with administrative guidelines described herein, will be used to facilitate the timely development of public review drafts of the ORTP, TIP, OWP, OPP, and other documents developed by the OahuMPO as needed.

3.6.1. Public Review Draft

- a. The public review draft will be circulated to: the CAC, the TAC, the Policy Committee, those identified on the “Interested Parties” and “Intergovernmental” review lists, and others upon request.
- b. Electronic versions of the draft document will be posted on the OahuMPO’s website.
- c. A review period will be provided for public review and comment.
- d. Written comments on the public review draft document will be accepted by the OahuMPO via mail, fax, or email.

3.6.2. CAC Comments

- a. The public review draft document may be placed on the CAC agenda for discussion.
- b. Appropriate visualization techniques will be used to illustrate the projects that are included in the document.
- c. Oral comments will be received during the CAC meeting at which the document is an agenda item.
- d. If available, the date, time, and location of the meeting at which the Policy Committee will take action on the document will be announced at CAC meetings.

3.6.3. TAC Action

- a. The public review draft document may be placed on the TAC agenda for discussion.
- b. Appropriate visualization techniques will be used to illustrate the projects that are included in the document.

- c. Oral comments from individual TAC members will be received during the meeting at which the document is an agenda item.
- d. At the discretion of the TAC Chair, oral comments from the public may be requested.
- e. The TAC will be offered an opportunity to provide a recommendation to the Policy Committee on the draft document.

3.6.4. Policy Committee Action

- a. A meeting of the Policy Committee to act on the public review draft of the document will be scheduled after the public review period is over.
 - i. The meeting will be publicized as outlined in Section 3.2.
 - ii. Written and oral comments will be summarized and provided to the Policy Committee for their consideration in finalizing the document.
 - iii. Written and oral testimony will be accepted at the Policy Committee meeting as described in Section 3.7.
- b. The final document, endorsed by the Policy Committee, will be posted on the OahuMPO's website.

3.7 PUBLIC TESTIMONY AT MEETINGS OF THE POLICY COMMITTEE

Oral and written testimony shall be accepted at meetings of the Policy Committee.

3.7.1. Oral Testimony

- a. Oral testimony shall be limited to one minute per person, or lengthened upon the discretion of the Policy Committee Chair.
- b. Written documentation of oral testimony is requested; submit one (1) original to the OahuMPO staff at the meeting.
- c. Any person wishing to speak on an agenda item may register by:
 - i. Calling 587-2015 at least two (2) hours prior to the start of the meeting (calls to testify at meetings starting before 10:00 a.m. must reach the OahuMPO office prior to the close of the preceding business day); or
 - ii. Signing up in person at the meeting prior to the start of the meeting.

3.7.2. Written Testimony

- a. The testifier shall provide one (1) original and 15 copies of each written testimony to the OahuMPO.

- b. Written testimony must reach the OahuMPO office at least 24 hours prior to the start of the meeting (for Monday meetings, written testimony must reach the OahuMPO office by the prior Friday morning).
- c. Written testimony sent to the OahuMPO via e-mail (ompotestimony@hawaii.rr.com) or fax (587-2018) will be accepted under the following conditions:
 - i. E-mailed and faxed testimony must reach the OahuMPO office at least 24 hours prior to the start of the meeting (for Monday meetings, e-mailed or faxed testimony must reach the OahuMPO office by the prior Friday morning). To confirm receipt of testimony, call the OahuMPO office at 587-2015.
 - ii. E-mailed and faxed testimony should be limited to the equivalent of four (4) single-sided 8½"x 11" pages, including attachments and other supplemental information.
 - 1. If testimony exceeds this requirement, the OahuMPO will only copy and distribute the first four pages received.
- d. Any written testimony brought to the meeting by a testifier may be distributed to the Policy Committee members by said testifier. The OahuMPO staff will not be responsible for copying and/or distributing written testimony received within the 24 hours of the start of the meeting or brought to the meeting. The original of the written testimony should be given to the OahuMPO staff for the OahuMPO's records.
- e. Any personal information (such as home addresses, home phone numbers, and cell phone numbers) included on the written testimony will become public information.

PART 4

TITLE VI AND LIMITED ENGLISH PROFICIENCY OUTREACH PLAN

Nondiscrimination, including Title VI compliance, is a major consideration for OahuMPO's public outreach. OahuMPO endeavors to encourage and support active public participation throughout the planning and decision-making process related to the development of its plans, programs, and projects yielding a safe and efficient transportation system reflecting the needs and interests of all stakeholders.

The OahuMPO endeavors to involve the people traditionally underserved in transportation issues. In addition to the outreach activities listed in Part 3, *Participation Plan Administrative Guidelines*, of this Participation Plan, OahuMPO may use untraditional outreach strategies that are tailored to fit the affected community, when reasonable.

4.1 TAILORED OUTREACH STRATEGIES

Outreach to traditionally underserved populations, particularly those protected under Title VI, helps to assure that all constituents have opportunities to affect the decision-making process. It helps to set the tone for subsequent project activities, promoting a spirit of inclusion and establishing trust through transparency.

Once the underserved group that requires tailored outreach has been identified and the need to use non-traditional outreach techniques has been decided upon, there are many different strategies OahuMPO may employ, particularly during the development of the ORTP. The following identifies some strategies:

4.1.1 Minority Populations

- a. Tailor public involvement techniques to meet the needs of those for whom traditional outreach, such as meetings and information dissemination, are not effective.
 - i. Employ more verbal and visual communication techniques.
 - ii. Conduct meetings in smaller and non-traditional venues at times that would meet the needs of shift workers.
 - iii. Use community and religious organizations and their leaders in building communication.
 - iv. Place announcements in minority or ethnic news media, both radio and print.

- b. Encourage participation of traditionally underserved populations on OahuMPO's Citizen Advisory Committee (CAC).
 - i. Use community and religious organizations and their leaders to help educate about participation opportunities and benefits.
 - ii. Encourage existing CAC members to reach out to their communities and act as liaisons for OahuMPO.
 - iii. Target neighborhoods and communities which are underrepresented on the CAC for specific and tailored outreach.

4.1.2 Limited English Proficiency (LEP) Populations

The OahuMPO has adopted HDOT's Language Access Plan. That plan may be found at <http://hidot.hawaii.gov/administration/files/2013/01/language-access-plan-2011.pdf>

There are four steps of evaluation OahuMPO will use when considering the need for alternative outreach to LEP individuals:

- a. Determine the number or proportion of underserved individuals eligible to be served or likely to be encountered by the plan or program.
- b. Determine the frequency with which underserved individuals come in contact with the plan or program.
- c. Determine the nature and importance of the plan or program to the underserved individual.
- d. Determine the resources available and the costs.

If a determination that alternative outreach or service is needed, the OahuMPO may employ the following:

- a. Tailor public involvement techniques to meet the needs of those with limited English proficiency.
 - i. Use translators or interpreters at meetings where there is need and ensure that proper notice of translation service is publicized.
 - ii. Provide translated informational materials in communities where there may be the highest need.
 - iii. Ensure that the OahuMPO website provides translation to the best extent possible.
 - iv. Enlist the assistance of agencies which provide services to LEP populations.

4.2 DISCRIMINATION COMPLAINT PROCEDURES

OahuMPO complies with the applicable Title VI requirements, and regularly monitors its plans and programs for compliance based on the Title VI performance measures documented in the reports below. However, any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination on the basis of race, color, national origin, or sex, protected categories under Title VI of the Civil Rights Act of 1964, and other related statutes, may file a Title VI complaint with OahuMPO. A complaint may also be filed by a representative on behalf of such a person. Complaints should be directed to:

Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813

If a formal complaint regarding Title VI is received, OahuMPO follows the Title VI investigation and complaint procedures developed by the State of Hawaii Department of Transportation. Refer to the Hawaii Department of Transportation's website (<http://hidot.hawaii.gov/administration/files/2013/01/title-vi-complaint-procedures.pdf>) for information on OahuMPO's nondiscrimination obligations and for procedures on how to file a discrimination complaint.

Figure 1:

OAHU METROPOLITAN PLANNING ORGANIZATION
TITLE VI COMPLAINT FORM

SECTION I	
Name:	
Address:	
Telephone (Home):	Telephone (Work):
E-mail Address:	
Accessible Format Requirements?	Large Print <input type="checkbox"/> TDD <input type="checkbox"/>
	Audio Tape <input type="checkbox"/> Other (specify): _____
SECTION II	
Are you filing this complaint on your own behalf? Yes <input type="radio"/> No <input type="radio"/>	
If you answered "yes" to the question above, go to Section III below.	
If you answered "no," please provide the name and relationship of the person for whom you are complaining.	
Please explain why you have filed for that person.	
Please confirm that you have obtained the permission of that person. Yes <input type="radio"/> No <input type="radio"/>	
SECTION III	
I believe the discrimination I experienced was based on (check all that apply):	
Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/>	
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 the names and contact information of any witnesses. If more space is needed, please attach a separate sheet of paper.	
SECTION IV	
Have you previously filed a Title VI complaint with OahuMPO? Yes <input type="radio"/> No <input type="radio"/>	

Title VI Complaint Form.docx
Revised November 2012

SECTION V	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
Yes <input type="radio"/> No <input type="radio"/>	
If yes, check all that apply and name the agency:	
<input type="checkbox"/> Federal Agency: _____	<input type="checkbox"/> State Agency: _____
<input type="checkbox"/> Federal Court: _____	<input type="checkbox"/> City Agency: _____
<input type="checkbox"/> State Court: _____	
Please provide information about a contact person at each agency/court where the complaint was filed.	
Name: _____	
Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	

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:

Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813

PART 5

EARLY & CONTINUOUS INVOLVEMENT

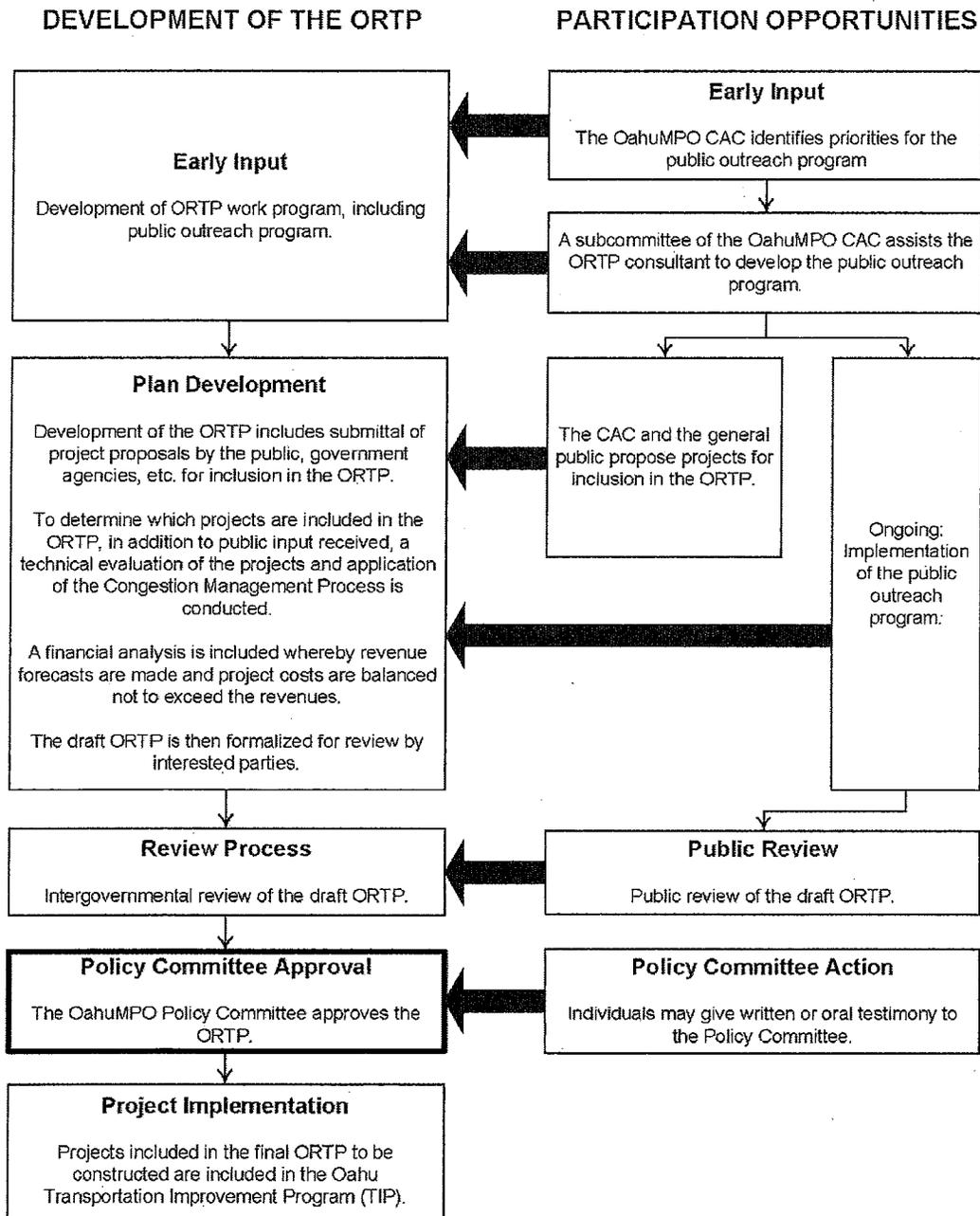
Early and continuous involvement opportunities for the development of the ORTP, TIP, and OWP are offered through the CAC – the OahuMPO’s public involvement foundation. The development of each of these documents and the participation plan procedures used are described in this section.

5.1 OAHU REGIONAL TRANSPORTATION PLAN

The following procedures, in conjunction with the public involvement administrative guidelines described in Part 3, are used to facilitate the timely development of the ORTP. Participation opportunities in the development of the ORTP are highlighted in Figure 1.

- 5.1.1. Early in the development of the scope-of-work for the development of the ORTP, the CAC will be offered the opportunity to prioritize the public involvement activities. These priorities will guide the ORTP public outreach program.
 - a. For example, in the past, the CAC has been asked where public outreach dollars should be focused: identification of public involvement strategies, identification of goals and objectives, identification of transportation problem areas, identification of potential transportation solutions, prioritization of proposed transportation solutions, or review of the draft plan.
 - b. This information will be considered in the development of the ORTP public outreach program.
- 5.1.2. An ORTP public outreach process will be developed that is consistent with the public involvement administrative guidelines described herein and federal metropolitan transportation planning requirements.
- 5.1.3. Regardless of whether the ORTP is completed primarily by a consultant or by OahuMPO staff, OahuMPO will have primary responsibility for the development and implementation of an ORTP public outreach process.
 - a. This process will provide early and continuous public involvement, notably at project milestones.
 - b. The percentage of the entire ORTP work effort that should be designated for the public outreach process should be no less than 20%.

Figure 2:
Public Involvement in the
Oahu Regional Transportation Plan (ORTP)



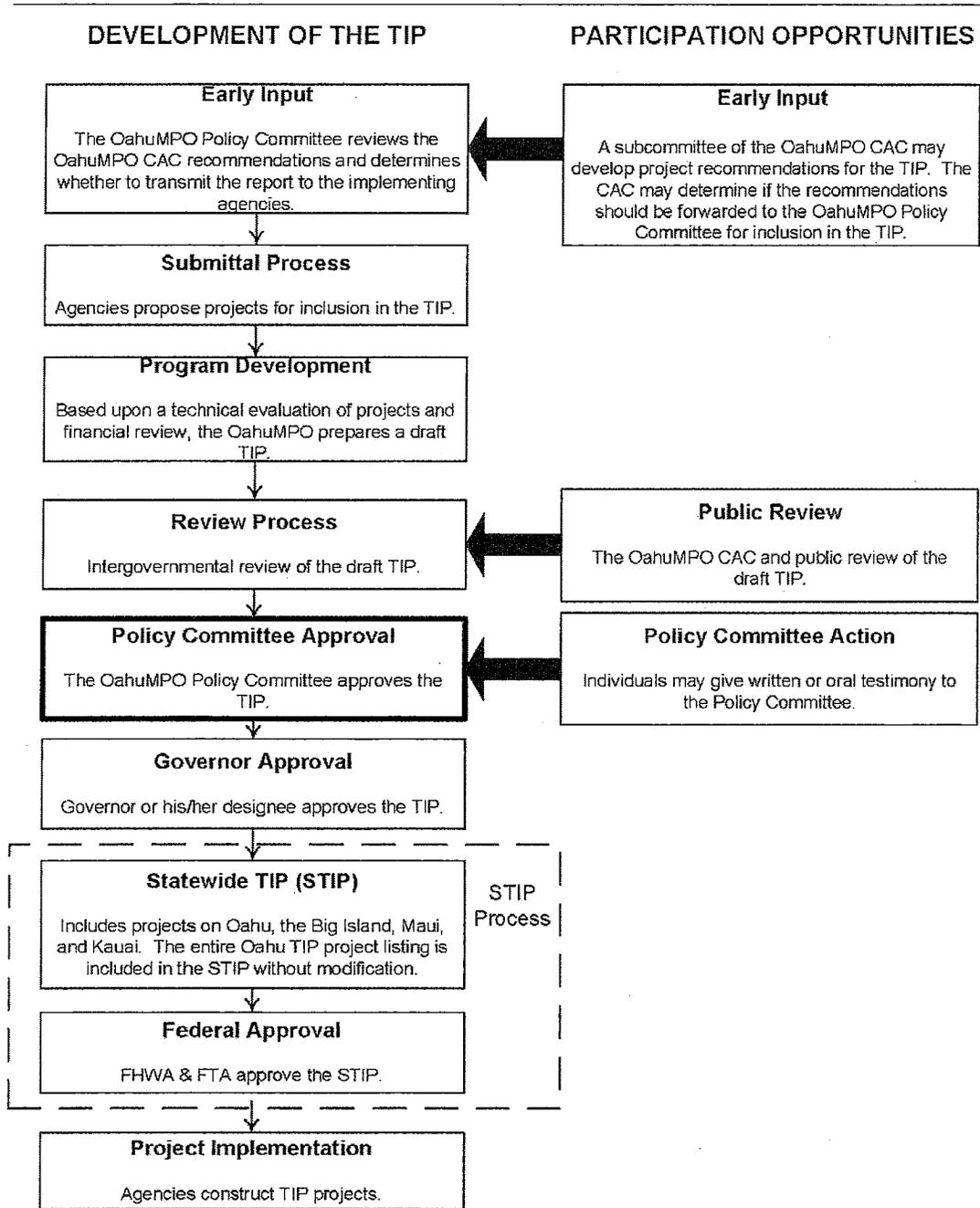
- c. The public outreach process will identify potential public involvement strategies and survey instruments to solicit input from Title VI and Environmental Justice populations; groups who have been traditionally underserved by existing transportation (e.g., young, elderly, disabled, freight movers, etc.); and the “silent majority” who do not attend public meetings.
 - d. The public outreach process will identify all consultant tasks that would require public involvement and/or outreach and the public involvement strategy(ies) that would best meet the objectives of each task.
 - e. The public outreach process will identify appropriate visualization techniques to describe the ORTP and its various components.
- 5.1.4.** A subcommittee of the CAC will be formed to assist OahuMPO in the development and implementation of a public outreach process.
- a. The subcommittee will meet with OahuMPO throughout the development and implementation of the ORTP public outreach process.
 - b. The subcommittee will have the opportunity to review and comment on various work products supporting the public outreach process.
- 5.1.5.** OahuMPO will make presentations and give status reports about the development of the ORTP to the CAC throughout the project.
- 5.1.6.** The procedures identified in Section 3.6 will be applied to the development of the ORTP.
- 5.1.7.** Should the Policy Committee wish to act to endorse a final document that differs significantly from the public review draft, an additional opportunity for public comment will be provided prior to finalizing the ORTP.
- 5.1.8.** Significant written and oral comments received on the public review draft document and their disposition will be documented as part of the ORTP process.

5.2 TRANSPORTATION IMPROVEMENT PROGRAM

The following procedures, in conjunction with the public involvement administrative guidelines described in Part 3, shall be used to facilitate the timely development of the TIP. Participation opportunities in the development of the TIP are highlighted in Figure 2.

- 5.2.1.** Prior to a “call for projects” to the agencies for input into the TIP, the CAC will be offered the opportunity to develop a list of recommended projects for inclusion in the TIP.

Figure 3:
Public Involvement in the
Oahu Transportation Improvement Program (TIP)



For example, in the past, the CAC formed a subcommittee to identify criteria for project selection and prioritization. They then reviewed the list of projects in the ORTP and the current TIP, and applied the criteria to produce a list of recommended projects.

- 5.2.2. The CAC's recommendations will be provided to the Policy Committee for their consideration in selecting projects for the TIP.

In the past, the Policy Committee has directed that the CAC's recommendations be transmitted to the implementing agencies for their consideration.

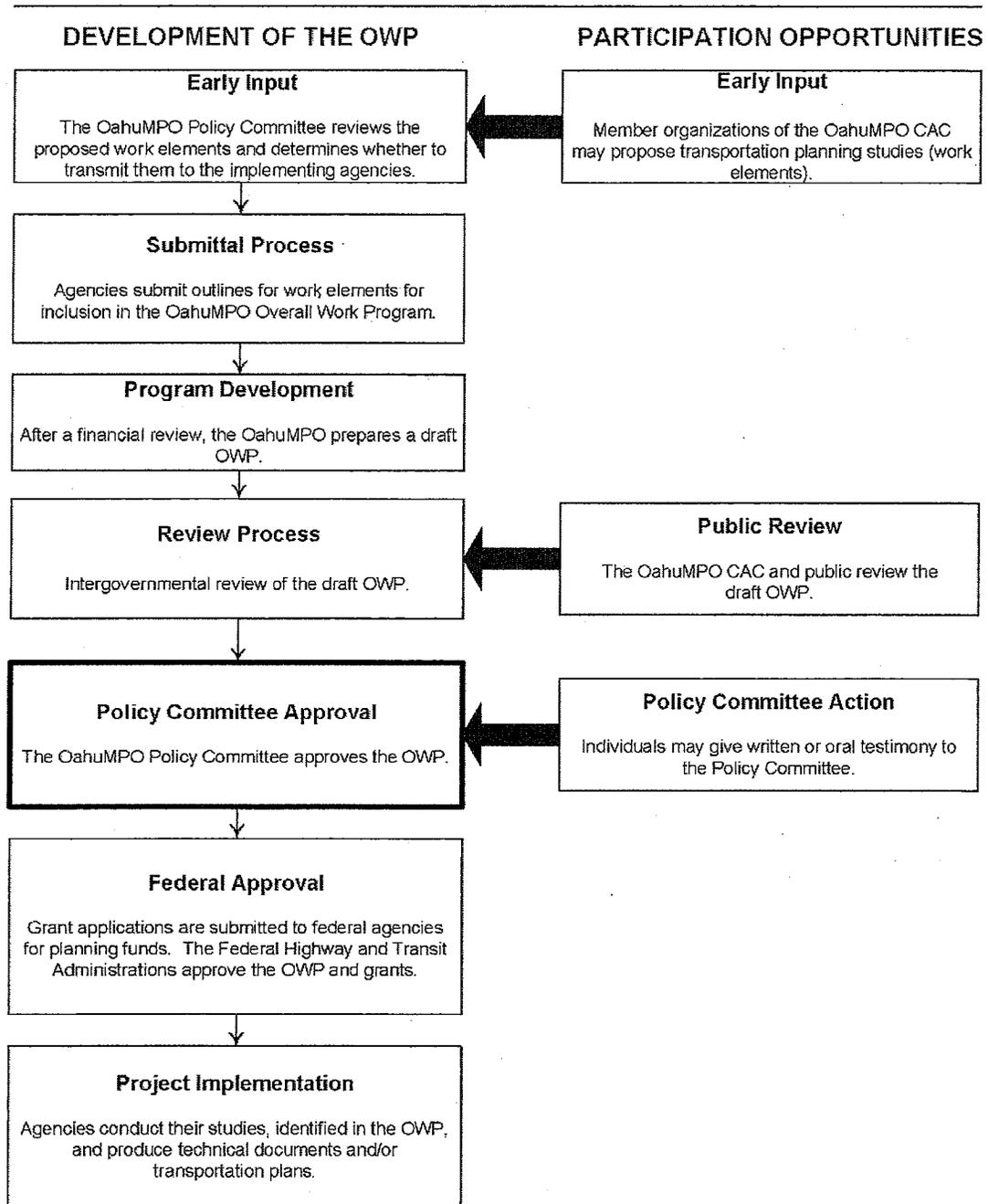
- 5.2.3. The procedures identified in Section 3.6 will be applied to the development of the TIP.
- 5.2.4. Should the Policy Committee wish to act to endorse a final document that differs significantly from the public review draft, an additional opportunity for public comment will be provided prior to finalizing the TIP.
- 5.2.5. Significant written and oral comments received on the public review draft document and their disposition will be documented as part of the TIP process.
- 5.2.6. The City and County of Honolulu is using the TIP public involvement process, as outlined in the Federal Highway Administration/Federal Transit Administration metropolitan transportation planning regulations (23 CFR 450/49 CFR 613), to satisfy the public hearing requirements for the Federal Transit Administration's Urbanized Area Formula Program (49 USC Section 5307) program-of-projects.

5.3 OVERALL WORK PROGRAM

The following procedures, in conjunction with the public involvement administrative guidelines described in Part 3, will be used to facilitate the timely development of the OWP. Participation opportunities in the development of the OWP are highlighted in Figure 3.

- 5.3.1. Prior to a "call for work elements" to the agencies for input into the OWP, the CAC will be offered the opportunity to suggest work elements for inclusion in the OWP.
- 5.3.2. The CAC's recommendations will be provided to the Policy Committee for their consideration in selecting work elements for the OWP.
- 5.3.3. The procedures identified in Section 3.6 will be applied to the development of the OWP.

Figure 4
Public Involvement in the
Overall Work Program (OWP)



APPENDIX A

BYLAWS OF THE CITIZEN ADVISORY COMMITTEE

APPROVED BY THE POLICY COMMITTEE ON 01/26/2009

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BYLAWS OF THE CITIZEN ADVISORY COMMITTEE

FOR THE
OAHU METROPOLITAN PLANNING ORGANIZATION

**Approved by the
OahuMPO Policy Committee
on January 26, 2009**

**Amended by the
OahuMPO Policy Committee
February 22, 2011**

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I. GENERAL PROVISIONS

A. Definition

The Citizen Advisory Committee, hereinafter referred to as the “CAC”, for the Oahu Metropolitan Planning Organization, hereinafter referred to as the “OahuMPO”, shall consist of non-governmental organizations and City and County of Honolulu neighborhood boards as approved for CAC membership by the Policy Committee.

The CAC shall be broadly based, include minorities and disadvantaged groups, reflected through the composition of its member organizations, and have an interest in and concern for the transportation planning process.

B. Purpose

The CAC shall be a vehicle whereby public input can be solicited to advise the Policy Committee and the OahuMPO Executive Director on transportation planning issues in accordance with the OahuMPO Participation Plan; and a means of keeping citizen’s groups and the public informed of the aims and progress of the cooperative, comprehensive, and continuing transportation planning process.

C. Non-Member Participation

Non-Member organizations and individuals may participate in all CAC activities without the privileges as stated in item *III. B. Member Organizations’ Rights and Privileges*.

II. CAC MEMBERSHIP

A. Eligibility Requirements

1. To assure that organizations interested in applying for membership for the first time are committed to attending CAC meetings, such an organization shall earn at least four attendance credits within the twelve months prior to submitting a membership application.
2. Organizations applying for reinstatement following their removal from the CAC shall earn at least six attendance credits within the twelve months prior to submitting a membership reinstatement application.
3. Attendance credits earned during an organization's active membership shall not be applied toward reinstatement attendance requirements.

B. Earning of Attendance Credits

1. "Attendance Credit" shall be defined as credit earned by signing in for one organization at any regularly scheduled CAC meeting.
2. An organization may earn only one attendance credit at each meeting.
3. Should an individual sign in as the designated representative for more than one organization at the same meeting, attendance credit will only be awarded to one organization.
4. Member organizations shall not receive attendance credits if the person signing in for its organization is not said organization's designated representative, alternate, or presiding officer as stated in *Section III.A.1. Member Organizations' Responsibilities*.
5. Only organizations may earn attendance credits.

C. Membership Requests

1. Each organization seeking initial CAC membership shall submit to OahuMPO an official OahuMPO CAC Initial Membership Application form (provided by the OahuMPO staff). This form shall be accompanied by a cover letter printed on the organization's official letterhead, signed and dated by its presiding officer or authorized representative.
2. The completed initial application and cover letter must be sent to the OahuMPO office no later than two months after earning four OahuMPO attendance credits within a twelve-month period. The organization's appointment to the CAC shall become effective immediately following the Policy Committee's approval of said request.
3. Each organization seeking reinstatement as a CAC member shall submit to OahuMPO an official OahuMPO Membership Reinstatement Application form (provided by the OahuMPO staff). This form shall be accompanied by a cover letter printed on the organization's official letterhead, signed and dated by its presiding officer or authorized representative.
4. The completed Membership Reinstatement Application form and cover letter must be sent to the OahuMPO office no later than two months after earning six attendance credits within a twelve-month period. The organizations' reinstatement to the CAC membership shall become effective immediately following the Policy Committee's approval of the request.

5. Applications found to be incomplete will be returned to the originating organization, along with notification that the application was incomplete. The application must be completed and resubmitted before the request for membership will be processed. Any resubmitted application(s) must be received by the OahuMPO within the two-month period following the return of the original incomplete application submittal to the originating organization.

III. RULES AND PROCEDURES FOR MEMBER ORGANIZATIONS

A. Member Organizations' Responsibilities

1. The presiding officer or authorized representative of each member organization shall designate, in writing, a representative to serve on the CAC, and reaffirm its representative in writing at the beginning of each calendar year (from January 1 through December 31). Such designation must be received by the OahuMPO no later than 24 hours prior to the first regularly scheduled CAC meeting of the calendar year. If no designation is made prior to that meeting, the presiding officer of the member organization shall serve as the designated representative for said organization until notification identifying a designated representative is received by the OahuMPO.
2. The member organization's representative serving on the CAC, hereinafter referred to as "designated representative", shall be entitled to the rights and privileges of its member organization as stated in *Section III.B. Member Organizations' Rights and Privileges*.

3. Designation of an alternate(s) shall be subject to the same provisions as the designation of a member representative (See Section III.A.I). Designation of more than one alternate shall be in sequential order of authority to represent its member organization (i.e., alternate #1, alternate #2) and identified in writing to the OahuMPO.
4. In the absence of its designated representative, an alternate (in sequence), if available, shall serve as the designated representative for its member organization and shall be entitled to the same rights and privileges as the designated representative.
5. In the absence of its designated representative and alternate(s), the presiding officer of the member organization shall serve as the designated representative for said organization.
6. Any changes in member organization information, including the designated representative and alternate(s), shall be made by the presiding officer or authorized representative of the member organization and shall be sent to the OahuMPO in writing. The notification shall reach the OahuMPO office at least 24 hours prior to any meeting(s) for which the organization wishes to earn attendance credit(s) or exercise the organization's voting rights.
7. In order to retain CAC membership, each member organization shall earn attendance credits for participation in at least 50 percent or six, whichever is less, of the regularly scheduled CAC meetings during each calendar year.

8. If a member organization misses three consecutive regularly scheduled CAC meetings, they may be subject to being placed on probation by the Chair of the CAC at the next regularly scheduled meeting.
9. Member organizations that do not meet the attendance requirement as stated in Section III.A.7 during each calendar year will be placed on probation. The OahuMPO staff will notify organizations with deficient attendance of their probationary status at the conclusion of each calendar year.
10. Member organizations on probation must attend at least four regularly scheduled CAC meetings within the six months following probation notification to retain membership.
11. Member organizations on probation that fail to attend at least four regularly scheduled CAC meetings within six months of probation notification will be automatically removed from the CAC.
12. Designated representatives are responsible for reporting to and from their organizations regarding transportation matters and issues.
13. The CAC shall request and receive the approval of the Policy Committee or Executive Committee before testifying before a legislative body as representing the CAC. If said request is approved, the testimony shall be submitted to the Chair of the Policy Committee, through the OahuMPO Executive Director, for approval prior to being publicly released. The approved testimony shall reflect a majority opinion of the CAC membership. Nothing in these rules shall prevent a member organization from presenting independent testimony on behalf of its own organization without reference to its CAC affiliation.

14. The CAC shall not issue press releases.

B. Member Organizations' Rights and Privileges

1. Only member representatives may move and second formal motions, cast votes, serve on subcommittees of the CAC, and serve as CAC officers.
2. Each member organization shall be entitled to one copy, free of charge, of the following OahuMPO documents: the Oahu Regional Transportation Plan, the Transportation Improvement Program, and the Overall Work Program. The designated representative shall be given said document for its member organization.

C. Termination of An Organization's Membership

1. Member organizations may be terminated due to deficient attendance, as stated in *Section III.A.7-11, Member Organizations' Responsibilities*.
2. Member organizations may also be removed from the CAC at any time by the Policy Committee or by written request from the presiding officer or authorized representative of the member organization itself.

D. Officers and Their Duties

1. The officers of the CAC shall be a Chair and Vice Chair elected annually by the designated representatives. Each officer's term shall be for one calendar year. No member shall serve more than two consecutive years as Chair or more than two consecutive years as Vice Chair.

2. The election of Chair and Vice Chair will be scheduled for the first meeting of each calendar year, and may be rescheduled in subsequent meeting(s) until a Chair and Vice Chair are elected. Designated representatives will have the opportunity to cast their votes for each officer utilizing a roll-call voting system. The candidate receiving at least 50 percent of the votes cast will assume the position for which she or he was elected. In the event that no candidate receives the necessary number of votes to win the election, the two candidates receiving the highest number of votes will become the only candidates in the subsequent vote.
3. In the event that no Chair or Vice Chair has been elected at the adjournment of the first CAC meeting of the calendar year, the terms of the presiding officers shall be extended until such a time as new officers are elected.
4. The Vice Chair shall preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Chair, prior to the meeting, shall appoint a *pro tempore* officer from the CAC membership. If the Chair fails to designate a *pro tempore* officer, the members present may select a *pro tempore* officer either from the CAC membership or from the OahuMPO staff.
5. Should a vacancy occur in the office of the Chair, the Vice Chair shall complete the unexpired term of the Chair. The CAC shall then elect a successor to fill the unexpired term of the Vice Chair.
6. Should a vacancy occur in the office of the Vice Chair, the CAC shall elect a successor to fill the unexpired term.

7. The Chair shall have general supervision over the affairs of the CAC. The Chair shall perform such other duties which include, but are not limited to:
 - a. Scheduling meetings as set forth in item *IV. Conduct of Business*.
 - b. Preparing the agenda and notifying all members and interested parties.
 - c. Opening all meetings at the appointed hour, calling all meetings to order, and adjourning all meetings.
 - d. Conducting the meeting in accordance with the current edition of *Robert's Rules of Order* where *Bylaws of the CAC for the OahuMPO* are silent.
 - e. Authenticating by his/her signature all acts of and doings by the CAC, when necessary.
 - f. Attending and representing the CAC at Policy Committee meetings.
 - g. Transmitting CAC views to the Policy Committee and the OahuMPO Executive Director.
 - h. Receiving all CAC communications and presenting them to the CAC.
 - i. Participating in Policy Committee meeting discussions, if so approved by the Policy Committee.
 - j. Reporting relevant Policy Committee meeting discussions and actions to the CAC.
8. The Chair may designate members to represent the CAC in matters pertaining to the duties and functions of the CAC.
9. The Chair may appoint special or standing subcommittees as needed. (See Section IV.A.7)

IV. CONDUCT OF BUSINESS

A. Meetings

1. The CAC shall hold regular meetings at a day, time, and area of the island chosen by the Chair with consideration of the majority preferences of the CAC as determined by an annual written poll. The location for the meetings shall be arranged by the OahuMPO staff.
2. The presence of 30 percent of the total membership shall constitute a quorum and is required for any meeting of the CAC to be held.
3. The agenda shall be set, meeting notifications shall be posted, and meetings shall be conducted in accordance with the current edition of *Robert's Rules of Order*, only in cases where *Bylaws of the CAC for the OahuMPO* or Chapter 92 of the *Hawaii Revised Statutes* and applicable laws are silent.
4. The agenda for each meeting shall be set by the Chair in consultation with the OahuMPO Executive Director.
5. The agenda may be modified by a vote of two-thirds of the entire membership.
6. Agenda items may be proposed by any member organization for consideration by the CAC Chair.
7. Subcommittees of the CAC may be formed either by the Chair's designation or by a motion approved by the CAC. Subcommittee membership shall be less than a quorum of the total CAC membership. Participation and voting privileges are extended only to designated representatives of member organizations, as stated in *Section III.B Member Organizations' Rights and Privileges*.

8. Special meetings of the CAC may be called at any time by the Chair or by a majority of the total membership. Notice of said meeting shall be made in accordance with the requirements of Chapter 92 of the *Hawaii Revised Statutes* and applicable laws.
9. The CAC shall promote full participation through discussion by members of the public, as well as by member organizations. In order to provide for the orderly conduct of a meeting, persons wishing to present lengthy statements of position on agenda items shall notify the CAC Chair of their intention in advance. Statements should be to the point and as brief and clear as possible. At the discretion of the CAC Chair, statements on non-agenda items that have pertinence to CAC activities may be accepted after all other agenda items have been covered or may be placed on a subsequent meeting's agenda.
10. Persons wishing to distribute relevant materials at a CAC meeting should indicate their intention to the CAC Chair within a reasonable amount of time prior to the start of the meeting. Materials having no immediate pertinence to the CAC activities shall not be distributed at a CAC meeting.
11. All CAC meetings shall be open to the public.

B. Voting Procedures

1. Only designated representatives may move and second formal motions, and cast votes.

2. Each member organizations having a designated representative present at a meeting of the CAC shall be allowed one vote on each issue. A concurrence of the majority of the votes cast shall be necessary to make any action of the CAC valid. A quorum, as identified in *Section IV.A.4 Conduct of Business*, must be present when a vote is taken. Abstentions shall not be counted as a vote.

C. Minutes

1. Minutes shall be kept for all meetings and distributed in accordance with Chapter 92 of the *Hawaii Revised Statutes*.
2. Copies of the approved minutes shall be made available to the public at the business office of the OahuMPO as stated in the *OahuMPO Office Policy Regarding Duplication and Distribution of Meeting Materials*.

V. AMENDMENTS

A. Bylaws Amendments

1. The CAC may recommend amendments to the *Bylaws of the CAC for the OahuMPO* to the OahuMPO Policy Committee.
2. The *Bylaws of the CAC for the OahuMPO* may only be amended by the Policy Committee.

VI. RULES OF ORDER

A. Parliamentary Authority

The current edition of *Robert's Rules of Order* shall govern only in cases where the *Bylaws of the CAC for the OahuMPO* or Chapter 92 of the *Hawaii Revised Statutes* are silent.

This report was funded in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation. The views and opinions of the agency expressed herein do not necessarily state or reflect those of the U. S. Department of Transportation.

Attachment B

Procedures to Ensure Participation Plan
Includes Required Planning/POP Elements

Procedures to Ensure Inclusion of Public Participation Required Elements

The City and County of Honolulu shall, during each revision and update to the Transportation Improvement Program (TIP), verify with the Oahu Metropolitan Planning Organization that the statement, *“The City and County of Honolulu is using the OahuMPO TIP public involvement process, as outlined in the Federal Highway Administration/Federal Transit Administration metropolitan transportation planning regulations (23 CFR 450/49 CFR 613), to satisfy the public hearing requirements for the Federal Transit Administration’s Urbanized Area Formula Program (49 USC Section 5307) program-of-projects”*, is incorporated in all correspondence, announcements, reviews, and approvals of TIP revisions and updates involving 5307 funds.

Equal Employment Opportunity (EEO)

**FY 2015 Triennial Review Final Report
Corrective Actions to Review Findings**

Review Area: EEO

Finding/Deficiency: D-520 – Employment practices analyses deficiencies

Corrective Action: Submit to the FTA Region IX and X Civil Rights Officers a detailed narrative assessment that describes the agency's current procedures for hiring, recruitment, promotions, terminations, training, tests (if any) seniority practices and disciplinary actions.

Submit to the FTA Region IX and X Civil Rights Officers statistical assessment of hires, promotions, terminations and disciplinary actions.

Action Taken: On May 12, 2015, the Transportation Planning Division of DTS uploaded into the FTA grant award and management system its EEO detailed narrative assessment and statistical assessment of its EEO program.