

RESOLUTION R-4705

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN A NON-DISCRIMINATION AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AS REQUIRED BY WSDOT AND TITLES 23 AND 49 OF THE CODE OF FEDERAL REGULATIONS IN ORDER THAT THE CITY CAN CONTINUE TO RECEIVE FEDERAL FINANCIAL ASSISTANCE THROUGH WSDOT.

WHEREAS, to continue to receive federal financial assistance through WSDOT, the City must sign a non-discrimination agreement with the Washington State Department of Transportation and implement a Title VI non-discrimination compliance program as provided in that agreement in accordance with 23 CFR 200(9), 49 CFR 21.3 and 49 CFR 21.7; and

WHEREAS, the City needs to continue receiving federal financial assistance through WSDOT,

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:


Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City a non-discrimination agreement substantially similar to the Agreement attached hereto as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of May, 2008.

Signed in authentication thereof this 20th day of May, 2008.

  
MAYOR

Attest:

  
City Clerk

**28.1 General Discussion**

Agencies serving a population of 100,000 or more are required to have a Title VI Plan. Agencies serving a population less than 100,000 may use an abbreviated Title VI Plan, a Nondiscrimination Agreement.

Title VI of the Civil Rights Act of 1964 and other Federal Nondiscrimination statutes prohibit discrimination based on race, color, national origin and sex (gender) in the provision of benefits and services in programs and activities receiving Federal funds. The U.S. Department of Transportation's implementing regulations are contained in 49 CFR Part 21 and 23 CFR 200. These regulations require:

- Affirmative Action
- Recipients to execute Title VI Assurances as a condition of Federal aid

These federal regulations require WSDOT to ensure that all local agencies receiving United States Department of Transportation (USDOT) funds administered by WSDOT are in compliance with these regulations [23 CFR 200.9(b)(7), 49 CFR 21.3, 49 CFR 21.7].

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs and activities" to include all programs and activities of Federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally funded or not.

The Federal Highway Administration (FHWA) requires each local agency that receives Federal funds through WSDOT to establish a Title VI Program to prevent discrimination in the provision of benefits and services on federally funded transportation programs and activities. This Title VI Program is a system of policies and procedures designed to monitor agency (and subrecipient agency) compliance, address complaints, and eliminate discrimination when found to exist.

The policies and procedures to address nondiscrimination must be included in the local agency's Title VI Plan. Their Plan for implementing Title VI must be presented to the WSDOT's Office of Equal Opportunity (OEO) for review and approval.

**28.2 Title VI Plan Development**

A Title VI Plan is a legal document that imposes individual legal liabilities to the signatory agency that are not transferable. Each local agency must develop a Title VI compliance document that reflects its individual Federal-aid transportation program structure. WSDOT will provide each local agency the technical support it needs to develop a Title VI Plan or a Title VI Plan in the form of a Nondiscrimination Agreement, for agencies with populations of less than 100,000.

- A. Plan Scope. The Title VI Plan describes how recipients of Federal financial assistance will develop and implement their Title VI Program.
- B. Plan Format. A specific format is not prescribed. Sample formats are contained in Appendixes 28.71 and 28.72.

Appendix 28.71 has an example Title VI Plan for large agencies serving a population of 100,000 or more. Large local agencies should use this example to prepare their plan that is to contain the categories listed in item C below (Key Points to Consider in Developing Plan).

Appendix 28.72 has a boilerplate for small agencies serving a population of less than 100,000 to use in developing their Abbreviated Title VI Plan/Nondiscrimination Agreement.

If there are questions on these examples, please contact your Region Local Programs Engineer.

Larger agencies (populations greater than 100,000) having a Title VI Plan already approved for a different federally funded program, have the option to submit the existing Title VI Plan for approval or create a new one. Agencies can submit their plans through the Region Local Program Engineer for review by WSDOT's OEO. The WSDOT OEO will review the plan in accordance with Federal Requirements. If necessary, supplemental information will be requested prior to approval.

- C. Key Points to Consider In Developing a Plan (These points are incorporated in the Nondiscrimination Agreement shown in appendix 28.72 for cities under 100,000 population.)
  - a. Policy statement. The policy statement reflects the agency's commitment to Title VI compliance, including all related Federal laws and regulations, and is signed by the agency's Chief Executive Officer (CEO).
  - b. Authorities. This section cites all relevant Federal statutes, regulations, executive orders and other legislation.
  - c. Organization and Staffing. This section identifies the Title VI Coordinator and program area Title VI Specialists within the organization directly responsible for the management and administration of the Title VI Program. The Plan is to include an organization chart that describes the reporting relationship between the designated Title VI Specialists within each program emphasis area and the designated agency Title VI Coordinator.
  - d. Program Emphasis Areas. This section describes the Federal-aid transportation program areas (i.e., Planning, Research, Design, Education and Training, Right of Way, Construction, Maintenance, etc.), the areas' legal/operational authorities, and assigns Title VI compliance monitoring responsibilities to each area.

- e. Title VI Standard Assurances and Its Appendixes (DOT 1050.2). The USDOT 1050.2 Standard Title VI Assurances of Appendix 28.71 and its Exhibits are placed by reference in every contract, grant or property regardless of its funding source. For consultant contracts see Exhibit H of Appendix 31.99. The agency's CEO signs these assurances.
- f. Complaint Procedures. This section outlines the process for filing complaints and the investigative process. It also identifies the agency staff positions responsible for this process, and the time limits for the submission of complaints and completion of investigations [60 days per 23 CFR 200.9(b)(3)].
- g. Table of Contents. This section enables the reader to quickly locate particular sections of the Plan.

### **28.3 Reporting Requirements**

Local agencies are to provide the following reports and/or data to WSDOT: related to their transportation program:

#### **Annual Title VI Update and Accomplishment Report**

All agencies with approved Title VI Plans or Nondiscrimination Agreements are to annually prepare a report of their Title VI Program implementation compliance activities. This report is due one year from the date of approval of the Title VI plan and then annually on that same date. This is to describe the transportation activities that occurred during the year. This Annual Title VI Update and Accomplishment Report is to be completed by each agency and forwarded to the Region Local Programs Engineer, who will forward it to H&LP for transmittal to WSDOT's OEO for review and approval. The questionnaire of Appendix 28.73 for Title VI plans and Appendix 28.72 for Non-Discrimination Agreements assists agencies in addressing Title VI compliance for each area of their federal-aid transportation program. A copy of this questionnaire will be provided to agencies with WSDOT's letter of approval of their Title VI Plan or Nondiscrimination Agreement.

#### **Revisions to the Local Agency's Title VI Plan or Nondiscrimination Agreement**

The Plan is to contain current information on names of staff and any other needed revisions. Agencies must submit substantial revisions to their Title VI Plan or Nondiscrimination Agreement to the Region Local Programs Engineer for transmittal to H&LP for submittal to WSDOT's OEO as soon as they occur for review and approval. Substantial revisions may be the filing of the agency's new CEO signature, administrative changes in the agency's Title VI Program administrative structure and staffing, or changes to the plan's complaint procedures, etc.

Local agencies only need to submit a revised Title VI document when program changes such as the ones described above take place.

## 28.4 Title VI Complaint Investigations

The local agency is responsible for investigating all Title VI discrimination complaints occurring within the Federal-aid transportation program or its activities, unless the complaint filed is against the local agency. Complaints naming a local agency as a respondent shall be forwarded to the Region Local Programs Engineer, who will in turn forward it to H&LP. WSDOT's OEO will investigate these complaints. Each local agency's Title VI Plan will have External Complaint Procedures to assist them in conducting a timely, fair and impartial investigation.

All Title VI investigations are to be completed within 60 days of acceptance of a complaint.

An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:

- The name and address of the person filing the complaint
- The date of the complaint
- The basis of the complaint
- The disposition of the complaint
- The status of the complaint

A sample Log of Complaints is shown in Appendix 28.77.

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself.

All findings from state or local investigations are preliminary and subject to the concurrence of FHWA Headquarters Civil Rights (HCR). FHWA HRC will render final decisions in all cases including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once FHWA HCR issues its final agency decision (FAD), a complainant in disagreement with such determination may file an appeal with the appropriate US District Court.

## 28.5 Title VI Compliance Reviews

WSDOT/FHWA will conduct periodic reviews of compliance with Federal Title VI regulations as follows:

- A. Compliance review. The WSDOT Title VI Coordinator will notify H&LP and work through the Region Local Programs Engineers to make arrangements to conduct periodic compliance reviews of local agencies with approved Title VI Plans. The compliance review will focus on how effectively the local agency has implemented its approved Title VI Plan. Documentation is gathered and individuals with Title VI responsibilities

are interviewed as part of the review process. The local agency will be notified in writing of the scheduled date and the documents that will be required for the on-site review.

- B. Local agency found in compliance. If no deficiencies are found during the on-site review, the local agency will be told at the conclusion of the review and be notified in writing that it is in compliance.
- C. Local agency found in non-compliance. If deficiencies are identified during the review, the local agency will be apprised of them at the conclusion of the review and be given ninety (90) days to correct them. After an agency corrects deficiencies, it will be notified in writing that it is in compliance.

If a local agency does not correct Title VI Program deficiencies identified by WSDOT or FHWA, it may be subject to sanctions including the suspension of FHWA funding.

- D. Local agency responsibilities. Local agencies administering Federal-aid contracts are required to conduct on-site compliance reviews of prime contractors and subcontractors. Agencies needing assistance in conducting on-site reviews should contact their Region Local Programs Engineer.

## 28.6 Other Nondiscrimination Statutes Related to Title VI.

Limited English Proficiency – LEP (Executive Order 13166)

As noted above, one of the bases covered under Title VI is national origin. One type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English. The federal government and those receiving federal financial assistance (recipients, subrecipients, contractors) must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This may require providing written and/or oral communications in a language other than English. More information regarding LEP responsibilities can be found at:

[www.lep.gov/recipbroch.html](http://www.lep.gov/recipbroch.html) and at [www.usdoj.gov/crt/cor/lep/dotlep.htm](http://www.usdoj.gov/crt/cor/lep/dotlep.htm).

Environmental Justice (Executive Order 12898)

Procedures for addressing environmental justice may be found in Chapter 24 of the LAG, as well as Chapter 458 of WSDOT's *Environmental Procedures Manual*.

## 28.7 Appendices

- 28.71 Title VI Plan for Large Agencies (Population over 100,000)
  - Exhibit 1 – Agency Title VI Notice to the Public
  - Exhibit 2 – Agency Title VI Assurances (USDOT Form 1050.2)
  - Exhibit 2(A) – Title VI Assurances for Consultants, Contractors, Etc.
  - Exhibit 2(B) – Granting and Habendum Clauses
  - Exhibit 2(C) – Lease/Deed Provisions

- 28.72 Title VI Nondiscrimination Agreement for Small Agencies (Population under 100,000)
  - Exhibit 1 – Title VI Assurances for Contractors, Consultants, Etc.
  - Exhibit 2 – Granting and Habendum Clauses
  - Exhibit 3 – Lease/Deed Provisions

### Attachments

- 28.73 FHWA Title VI Annual Update of Accomplishments Report
- 28.74 Compliance Review Questionnaire
- 28.75 Example of an annual report for agencies that serve a population of 100,000 or greater.
- 28.76 Example of an annual report for agencies that serve a population of less than 100,000.
- 28.77 Example of a Complaint Log

**Appendix 28.71**

**Title VI Plan For Agencies  
Over 100,000 Population**

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\_\_\_\_\_ Agency  
Federally Funded Transportation Program  
TITLE VI PLAN

\_\_\_\_\_ **Agency Commissioners**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Agency Administrator

\_\_\_\_\_  
Public Works Director

**Prepared by:** \_\_\_\_\_  
Grants & Compliance Manager  
(Title VI Coordinator)  
Office of Budget & Information Services



**Title VI Plan - Large Agency (Population over 100,000)**

**I. Policy Statement, Authorities and Citations**

A. Policy of Nondiscrimination

\_\_\_\_\_ Agency assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Agency sponsored program or activity. \_\_\_\_\_ Agency further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event \_\_\_\_\_ Agency distributes Federal aid funds to another entity, \_\_\_\_\_ Agency will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of Agency Commissioners pursuant to its budgetary authority and responsibility. The Agency Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

\_\_\_\_\_  
Agency Administrator Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

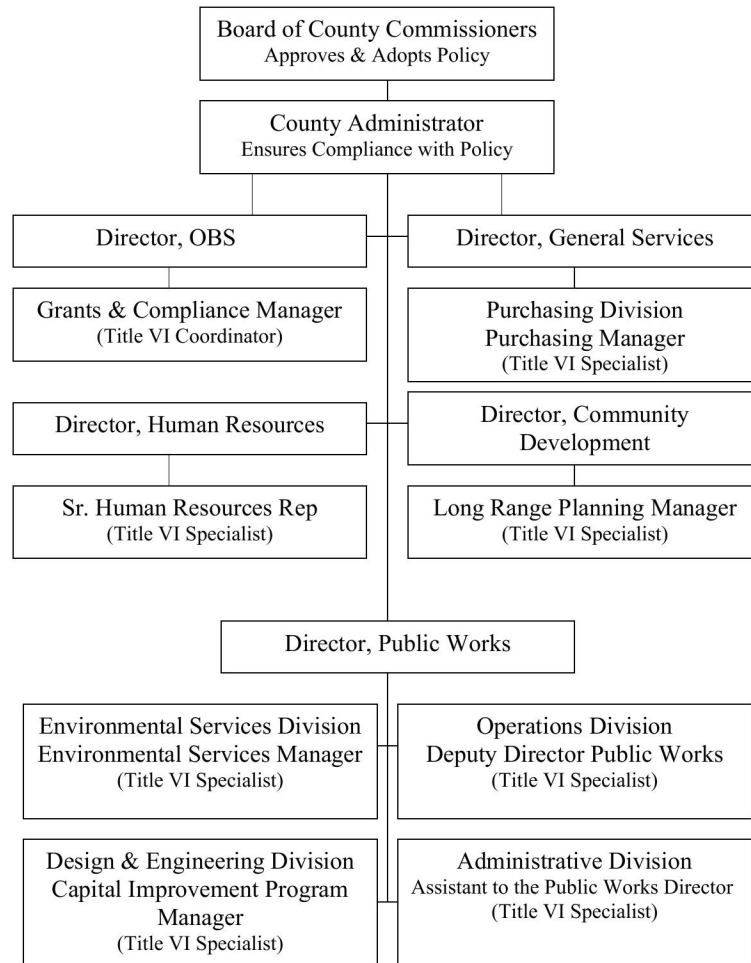
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

**II. Organization, Staffing and Structure**

**A. Organizational Chart – Reporting Relationships**



**B. Staffing and Structure**

**Agency Administrator**

The Agency Administrator is authorized to ensure compliance with provisions of the Agency’s policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency’s grants compliance function and Title VI coordination shall be performed under the authority of the Agency Administrator.

**Title VI Coordinator**

\_\_\_\_\_ Agency has created a position of Grants and Compliance Manager to perform the duties of the Title VI Coordinator (Coordinator) and ensure implementation of the Agency’s Title VI Federally Funded Transportation Program. The Grants and Compliance Manager has other duties and responsibilities in addition to Title VI. Although the Grants and Compliance Manager reports to the Director of the Office of Budget

and Information Services (OBIS), their direct supervisor, this position shall have an indirect reporting relationship and access to the Agency Administrator.

### **Title VI Specialists**

Additionally, the Agency has designated Title VI Specialists (Specialists) in departmental special emphasis program areas. The Specialists, designated below, shall work in concert with the Title VI Coordinator. These key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing Agency directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under Federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of Federally funded \_\_\_\_\_ Agency transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

#### **Public Works**

<b>Design &amp; Engineering</b>	Capital Improvement Program Manager
<b>Environmental Services</b>	Environmental Services Manager
<b>Operations</b>	Deputy Director Public Works
<b>Administration</b>	Assistant to the Public Works Director

#### **Community Development**

Long Range Planning Manager

#### **Human Resources**

Senior Human Resources Representatives

#### **General Services**

<b>Purchasing</b>	Purchasing Manager
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**III. Title VI Plan Implementation and Program Administration***Title VI Coordinator's Responsibilities and Program Administration*

As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring \_\_\_\_\_ Agency's compliance with Title VI requirements as follows:

- A. Program Administration. Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Agency Administrator and Director of OBIS.
- B. Complaints. Review written Title VI complaints that may be received by \_\_\_\_\_ Agency following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.
- C. Data Collection. Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).
- D. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Public Works (PW) for projects receiving Federal Highway Administration or other Federal assistance.
- E. Training Programs. Conduct or facilitate training programs on Title VI issues and regulations for Agency employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.
- F. Title VI Plan Update. Review and update the \_\_\_\_\_ Agency Transportation Program, Title VI Plan as needed or required. Present updated plan to the Agency Administrator for approval; submit amended Plan to WSDOT.
- G. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by October 15.
- H. Public Dissemination. Work with Agency staff to develop and disseminate Title VI program information to \_\_\_\_\_ Agency employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings,

and annual publication of the Agency's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

- I. Elimination of Discrimination. Work with the Public Works Department, Human Resources, and other Agency offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Agency processes.
- J. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, WSDOT guidelines, the current \_\_\_\_\_ Agency Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Agency's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other Agency departments or the public as requested or required.

#### **IV. NHI Education and Title VI Training**

In keeping with adopted \_\_\_\_\_ Agency policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable educational and training opportunities. Public Works staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

##### **A. National Highway Institute (NHI) Education**

The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to Agency Public Works employees. The Director of the Department of Public Works will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex and ethnicity for use in completing the annual Title VI accomplishment report.

##### **B. Title VI Training**

The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other Agency employees.

The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training.

#### C. Selection of Instructors

The Coordinator will collaborate with the Agency's Purchasing Division to ensure Agency policy is followed in the selection of instructors for \_\_\_\_\_ Agency Public Works training courses/ workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the Agency will provide accessibility to Minority/Women/Disadvantage Business Enterprise consulting and training firms to compete for training contracts.

## V. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

#### A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by \_\_\_\_\_ Agency, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the Agency and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

#### B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with \_\_\_\_\_ Agency Human Resources, Public Works or Board of Agency Commissioners. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The Agency will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, \_\_\_\_\_ Agency will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Agency may request the Washington State Department of Transportation

- (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Agency the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.
  4. Once the Agency decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
  5. In cases where \_\_\_\_\_ Agency assumes investigation of the complaint, the Agency will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Agency with his/her response to the allegations.
  6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the Agency Engineer and Agency Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
  7. The recommendation shall be reviewed by the Prosecuting Attorney's office (PA). The PA may discuss the report and recommendations with the Coordinator and other appropriate departmental staff. The report will be modified as needed and made final for its release to the parties.
  8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
  9. A copy of the complaint and \_\_\_\_\_ Agency's investigative report will be issue to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.
  10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

11. An annual Log Of Complaints must be maintained by each agency. The Log Of Complaints must contain the following information for each complaint filed:

- The name and address of the person filing the complaint
- The date of the complaint
- The basis of the complaint
- The disposition of the complaint
- The status of the complaint

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself.

## **VI. Subrecipient Review and Remedial Action Procedures**

- A. Title VI Review of Subrecipients of Federal-Aid Highway Funds. Public Works Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Title VI Specialists and Public Works staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VII). The Coordinator and Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.
- B. Post-Grant Reviews. The Coordinator will collaborate with Specialists and Public Works staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.
- C. Remedial Action. When irregularities occur in the administration of Federal-aid highway programs at either the Agency or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. \_\_\_\_\_ Agency will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. \_\_\_\_\_ Agency will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the Agency will reduce to writing any recommended remedial action agreed upon by the Agency and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.



Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, \_\_\_\_\_ Agency will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, \_\_\_\_\_ Agency and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

## **VII. Title VI Implementation Activities in Special Emphasis Program Areas**

### **A. Planning & Location Activities**

1. **Planning Process.** The Agency Engineer has responsibility for providing long-range planning (through a service agreement with Community Development), program development, and capital programming necessary to provide efficient transportation services to Agency citizens. The Agency Engineer annually updates and coordinates \_\_\_\_\_ Agency's six-year plan for transportation improvement programs and projects. The update also informs other \_\_\_\_\_ Agency jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various divisions in the department, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.
2. **Authorities.** \_\_\_\_\_ Agency Code; 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning; RCW 47.80 Regional Transportation Planning Organization (RTPO)
3. **Public Involvement in Planning Activities & Title VI**
  - a) Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
  - b) Public Works staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a

voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.

- c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the Agency, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

#### B. Consultant Contracts Activities

1. Consultant Contracts Administration. The D&E Division is responsible for recommending consultant firms to the Agency Engineer for final selection, negotiation and award. The Division administers awarded consultant contracts.
2. Authorities. \_\_\_\_\_ Agency Ordinance 90-81; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172
3. Consultant Selection Process. Public Works staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects.

Consultant selection from the certified list maintained by the Purchasing Division adheres to Washington State regulations (RCWs) and is consistent with \_\_\_\_\_ Agency vendor policies.

4. Title VI Assurances and Provisions
  - a) Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to proactively achieve the goal(s).
  - b) Include Title VI assurance and provision language in all Federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.
  - c) A Public Works Specialist will maintain updated demographic data on the utilization of women-and minority-owned consulting firms. As they occur, a copy of the award letter will be provided to the Coordinator for use in preparing the Annual Update Accomplishment Report.

C. Design & Engineering / Environmental Activities

1. The Public Works Design and Engineering Division is responsible for the Capital Improvement Program (CIP) and environmental permitting for projects. Studies are performed to assess various environmental factors as they relate to the implementation of the Agency's Annual Road Program, including evaluating demographic data.
2. Authorities. \_\_\_\_\_ Agency Ordinance; Local Agency Guidelines - WSDOT- M36-63; Standard Plans For Road, Bridge and Municipal Construction-WSDOT; APWA - M21-01; Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898
3. Design /Environmental Review Process and Title VI
  - a. Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
  - b. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate
  - c. Time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the Agency's Federal-aid highway activities.
  - d. In order to ensure dissemination of information and foster participation from affected populations, the Public Works staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
  - e. Public Works staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary

sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

- f. Public Works staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the Agency GIS Department to generate a map of the Federally funded transportation projects to include demographic data of the neighborhoods effected by the projects.

#### D. Right-of-way Activities

1. Real Property Services. The Real Property Services Section manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management. The Real Property Services Section is located in the Design and Engineering Division.
2. Authorities. Right of Way Manual; 23 CFR 130; 49 CFR 24; RCW Chapter 47; WAC 468.100
3. Right-of-way Activities and Title VI
  - a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Agency vendor procurement policies in the acquisition of contracted services.
  - b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
  - c) Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
  - d) Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation

- e) Assistance literature produced by WSDOT and a copy of the \_\_\_\_\_ Agency Title VI Compliance brochure to all affected parties.
- f) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
- g) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- h) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- i) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by Federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

**E. Construction and Maintenance Activities**

1. Construction Management Section. This section is located in the Design and Engineering Division, and is responsible for administration of all new construction contracts and inspecting bridges. The D&E Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Agency Engineer.
2. Authorities. Construction Manual M41-01; Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction
3. Maintenance. The Operations Division is responsible for the efficient program for maintaining Agency roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.
4. Authorities. Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); Clark Agency Road Standards
5. Construction and Maintenance Activities and Title VI
  - a) Review all Federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Agency's Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 14-15) herein.

- b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.

### Exhibit 1 - \_\_\_\_\_ Agency Title VI Notice to the Public

\_\_\_\_\_ Agency hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which \_\_\_\_\_ Agency receives Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with \_\_\_\_\_ Agency. Any such complaint must be in writing and filed with the \_\_\_\_\_ Agency Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Human Resources office at no cost to the complainant by calling (xxx) xxx-xxxx.

### Exhibit 2 - \_\_\_\_\_ Agency Title VI Assurances

The Agency of \_\_\_\_\_ in the State of Washington, (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the

benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)( 1 ) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.:

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

\_\_\_\_\_ Agency in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, of for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

**Exhibit 2A \_\_\_\_\_, \_\_\_\_\_ Agency Administrator Date**

**1 – Title VI Assurances For Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers**

\_\_\_\_\_ Agency will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:



During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations.

The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination.

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment.

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports.

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by \_\_\_\_\_ Agency or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to \_\_\_\_\_ Agency, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance.

In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, \_\_\_\_\_ Agency and the Washington State

Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions.

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as \_\_\_\_\_ Agency or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request \_\_\_\_\_ Agency enter into such litigation to protect the interests of the Agency and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Exhibit 2B - Granting and Habendum Clauses

*When \_\_\_\_\_ Agency is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:*

### GRANTING CLAUSE

NOW, THEREFORE, \_\_\_\_\_ Agency, as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto \_\_\_\_\_ Agency all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

## HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto \_\_\_\_\_ Agency, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on \_\_\_\_\_ Agency, its successors, and assigns.

\_\_\_\_\_ Agency, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,) (and)1 (2) that \_\_\_\_\_ Agency, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally assisted programs of the Department of Transportation - - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

## Exhibit 2C - Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to included these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by \_\_\_\_\_ Agency pursuant to the provisions of Title VI Assurances, item 7:

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the Agency shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

*The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by \_\_\_\_\_ Agency pursuant to the provisions of Title VI Assurances, item 7.*

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation ---Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Agency shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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1 Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of Civil Rights Act of 1964.

**Appendix 28.72****Non-Discrimination Agreement  
Population Under 100,000****Washington State Department of Transportation  
and Name of Recipient Policy Statement**

The (Name of Recipient), hereinafter referred to as the “Recipient” assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient’s (Name of person/division), is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

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 Signature

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 Title

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 Date

## Title VI Program

### Organization and Staffing

Pursuant to 23 CFR 200, (Name of Recipient) has designated a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for (Name of Recipient)'s Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

## Assurances

### 49 CFR Part 21.7

The (Name of the Recipient), hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
  - List all major Transportation programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as Attachment 2 to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each Transportation program, activity, and facility (i.e. lands change to roadways, park and ride lots etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Washington State Department of Transportation (WSDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

### **Implementation Procedures**

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

**The recipient shall:**

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by WSDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Designate a civil rights coordinator who has a responsible position in the organization and easy access to the head of the recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The civil rights coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to WSDOT's Office of Equal Opportunity (OEO) within 10 days of the date the complaint was received by the recipient.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by WSDOT OEO.
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year. This report is due one year from the date of approval of the Non-Discrimination Agreement and then annually on the same date.
  - a) Annual Work Plan
 

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.



b) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

***Discrimination Complaint Procedure***

1. 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 prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
  - a) The date of alleged act of discrimination; or
  - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as WSDOT and USDOT.

5. The recipient will advise WSDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to WSDOT:
  - a) Name, address, and phone number of the complainant.
  - b) Name(s) and address(es) of alleged discriminating official(s).
  - c) Basis of complaint (i.e., race, color, national origin or sex)
  - d) Date of alleged discriminatory act(s).
  - e) Date of complaint received by the recipient.
  - f) A statement of the complaint.
  - g) Other agencies (state, local or Federal) where the complaint has been filed.
  - h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with WSDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Coordinator will also provide WSDOT with a copy of this decision and summary of findings upon completion of the investigation.
8. Contacts for the different Title VI administrative jurisdictions are as follows:
  - Washington State Department of Transportation  
Office of Equal Opportunity, Title VI Program  
PO Box 47314  
Olympia, WA 98466  
(360) 705-7098
  
  - Federal Highway Administration  
Washington Division Office  
711 Capitol Way South, Suite 501  
Olympia, WA 98501  
(360) 534-9325

**Sanctions**

In the event the recipient fails or refuses to comply with the terms of this agreement, the WSDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

**WASHINGTON STATE  
DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
Signature

**Director of the Office of Equal Opportunity**  
Title

\_\_\_\_\_  
Date

**NAME OF RECIPIENT:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## Appendix 1

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

### 1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

### 2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

### 3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

### 4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to WSDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

### 5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall

impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

#### 6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request WSDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

## Appendix 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Washington will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation WSDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Washington all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

**HABENDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interests therein unto the state of Washington, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Washington, its successors, and assigns.

The state of Washington, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)\* (2) that the state of Washington, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

**Appendix 3**

The following clauses shall be included in all transportation related deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21,

Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Washington State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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<sup>1</sup> Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**Appendix 28.73****FHWA Title VI Annual Update  
Of Accomplishments Report****Title VI Annual Update of Accomplishments Report for FY 2003-2004  
For The Washington State Department of Transportation**

This Report describes \_\_\_\_\_ 's Title VI activities for the federal fiscal year 2003-2004 (October 1, 2003-September 30, 2004), provides information regarding the \_\_\_\_\_ 's Title VI accomplishments, and describes any changes in Title VI program implementation during the reporting period.

The Title VI Coordinator function has been delegated to the \_\_\_\_\_ within the Department. Title VI responsibilities pertaining to contract compliance and minority and women's businesses are handled primarily by the Business Development and Contract Compliance Office (BDCC) in the Office of Business Relations and Economic Development (BRED). Both (your agency's divisions) are within the Executive branch of \_\_\_\_\_ 's government. The \_\_\_\_\_ Title VI Plan has been revised this year. The Plan is available from the Title VI Coordinator upon request.

The \_\_\_\_\_ continues to provide contract-specific services to the Road Services Division in the \_\_\_\_\_ Department of Transportation. They are involved in DBE goal setting, pre-contract administration, monitoring, contract compliance reviews and reporting.

\_\_\_\_\_, is the designated Title VI Coordinator and reports directly to the \_\_\_\_\_ on Title VI issues. The Office of Civil Rights strives to eliminate discrimination through education, mediation and enforcement that is responsive to the needs of a diverse \_\_\_\_\_. The \_\_\_\_\_ implements specific programs to eliminate discrimination in employment, housing, public accommodations, contracting and assists \_\_\_\_\_ government in complying with Title VI and disability access laws.

Last year, \_\_\_\_\_ developed a new training curriculum for the Special Emphasis Area liaisons and interested others. This year, \_\_\_\_\_ revised and expanded its Compliance Review Questions. \_\_\_\_\_ used the questions in compliance review/training meetings with Special Emphasis Area liaisons. \_\_\_\_\_ also presented its training curriculum with the Environmental unit of the \_\_\_\_\_ Division. \_\_\_\_\_ facilitated a session at the AASHTO National Civil Rights Conference and shared its training curriculum with attendees.



## **Title VI Annual Update Report for FY 2003-2004 For The Washington State Department of Transportation**

The report includes an updated version of Title VI Implementation Plan (Appendix D).

This report is a joint effort between \_\_\_\_\_ Department of Executive Services/Office of Civil Rights and \_\_\_\_\_ Department of Transportation/Road Services Division, with assistance provided by the Executive's Office/Business Development and Contract Compliance. We thank all of those who assisted us in gathering the necessary information and in ensuring the accuracy of the report!

Agency Responsible for this Report Sign In This Area.

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\_\_\_\_\_, through the Office of the Title VI Coordinator of the Office of Civil Rights, Department of Executive Services and the Department of Transportation, Road Services Division, consistent with the requirements of Title VI of the Civil Right Act of 1964, and the Civil Rights Restoration Act of 1987, hereby, formulates and submits its FY 2003 -2004 Title VI Update Report this 29th day of September, 2004.

**Section I Policy Statement**

A copy of \_\_\_\_\_'s Title VI Policy Statement is attached in Appendix E of this report.

**Section II Organization, Staffing And Structure**

**A. Organization**

The Manager of the Office of Civil Rights has responsibility for the overall administration and management of the \_\_\_\_\_'s Title VI Program. The individual designated as the Title VI Specialist in this Update Report provides assistance in Title VI program implementation by wor \_\_\_\_\_ to address issues regarding program implementation, compliance monitoring, education and reporting within \_\_\_\_\_ departments.

The Title VI Coordinator continues to report directly to the \_\_\_\_\_ Executive on Title VI issues (please refer to the enclosed organizational chart located in this report, Appendix G).

**B. Staffing**

Table II.B.1. below depicts the name of the Title VI Specialist who reports directly to the Title VI Coordinator and is located in the Office of the Title VI Coordinator.

Table II.B.1 - Title VI Specialist			
Name	Race/Gender	Title	Duties

**C. Structure**

Table II.C.1. below shows Title VI Special Emphasis Program Area Liaisons within \_\_\_\_\_. For this update, program area elements include planning, location, design, environmental services, real estate services (right of way), construction, and education and training. The program area liaisons work directly with the Title VI Specialist in the Office of the Title VI Coordinator. All liaison positions have been filled at this time.

Table II.C.1- Title VI Special Emphasis Program Area Liaisons			
Name	Gender/ Ethnicity	Title	Program

**\*\*Responsible for identifying training and educational needs for staff within their respective sections/units and for securing the necessary training.**

Staff within the Office of the Title VI Coordinator assists these work groups by providing guidance and instruction on each unit’s roles and responsibilities in fully implementing the Title VI provisions as needed.

**Section III Title VI Monitoring And Review Process**

**A. Actions to Promote Internal and External Compliance with Title VI**

\_\_\_\_\_ utilizes liaisons in the Department of Transportation Road Services Division (Special Emphasis Areas as described above) and throughout all departments in the \_\_\_\_\_ to assist in assuring compliance with Title VI. As the office of the Title VI Coordinator, \_\_\_\_\_ provided training to liaisons and others responsible for compliance throughout \_\_\_\_\_ government. \_\_\_\_\_ also provided information to the public, including contractors, on \_\_\_\_\_’s Title VI compliance program.

In 2002, Title VI Coordinators from around the state began to meet twice a year. In FY 2003-2004 they met once in Vancouver and discussed issues raised by WSDOT. They shared common experiences, best practices and challenges in implementing Title VI. This effort will continue. Between meetings the coordinators share information via e-mail.

**Internal**

The Title VI Plan has been updated this year along with the Title VI Update Report. Both were circulated to the Special Emphasis Area Liaisons in the Road Services Division of the \_\_\_\_\_ Department of Transportation as a part of the update process.

Last year, \_\_\_\_\_ developed a new training curriculum for the Special Emphasis Area Liaisons and interested others. José Rivera, Title VI Coordinator, Office of Equal Opportunity, Washington Department of Transportation, provided valuable input. The training curriculum covers all Special Emphasis areas, along with environmental justice and serving

persons who have limited English proficiency. The training will help liaisons take preventative measures and actions to address issues of discrimination, when found to exist. The curriculum was circulated to Title VI Coordinators statewide for comment and use.

\_\_\_\_\_ has pursued opportunities to incorporate Title VI issues in \_\_\_\_\_ policies and manuals. \_\_\_\_\_ provided input to the development and completion of a new Project Management and Design Manual by identifying and commenting on areas where Title VI issues may occur in these processes. The Title VI Training curriculum outline is included as a reference to project designers and managers.

In April of 2004 the Title VI Coordinator and \_\_\_\_\_ division staff provided comments to Kathleen McKinney, WSDOT regarding her development of an Environmental Justice Webpage Pilot. The layout of the webpage was useful and informative.

In May 2004 the Title VI Coordinator met with \_\_\_\_\_ to discuss recent requirements for the Title VI Update Report from the FHWA/WSDOT. Later, in May \_\_\_\_\_ and \_\_\_\_\_ DOT met with Jose Rivera, WSDOT Title VI Specialist, to discuss ways of including Environmental Justice and Limited English Proficiency data into the Title VI Plan and Update Report.

In June 2004 \_\_\_\_\_ Department of Transportation personnel and \_\_\_\_\_ staff attended a WSDOT sponsored course: *A Model for Conducting Environmental Justice Analysis*. In part, this course explains Title VI responsibilities associated with environmental justice and receiving federal aid.

In 2004, \_\_\_\_\_ developed an expanded compliance review questionnaire. In August and September 2004, \_\_\_\_\_ utilized this questionnaire to conduct reviews and training with special emphasis area liaisons.

In September 2004, \_\_\_\_\_ presented a separate focused training to staff in Environmental Services, Department of Transportation, concentrating on Environmental Justice, Limited English Proficiency and environmental processes. The training utilized the training curriculum developed last year.

### External

\_\_\_\_\_ discussed Title VI compliance at the Regional Contracting Forum in February 2004 co-sponsored by a variety of governments including \_\_\_\_\_. Additionally, \_\_\_\_\_'s Title VI Specialist facilitated a workshop at the American Association of Transportation Officials (AASHTO) 2004 National Transportation Civil Rights Conference in San Diego, California in September 2004. The workshop entitled, Effective Team Building with State DOT and Sub-Recipient Partners: Cities and Counties was well received.

**B. Title VI Compliance Reviews During this Report Period**

\_\_\_\_\_ conducted six (6) Title VI Compliance Reviews during the reporting period:

- 5/17/04 – Planning, Public Involvement (Reviewer’s Name)
- 7/21/04 – Planning, Design (Reviewer’s Name)
- 8/9/04 – Environmental Services (Reviewer’s Name)
- 8/26/04 – Real estate services (ROW) – (Reviewer’s Name)
- 9/10/04 – Construction and Consulting (Reviewer’s Name)
- 9/14/04 – Training (Reviewer’s Name)

**Section IV Title VI Complaints During This Report Period**

\_\_\_\_\_ received no complaints involving Department of Transportation Road Services Division in 2003-2004. \_\_\_\_\_ received two complaints involving the \_\_\_\_\_ Department of Transportation, Transit Division in 2003-2004.

The two complaints alleged one incident of denial of bus services by the Department of Transportation Transit Division. The complaints alleged discrimination based on race. \_\_\_\_\_ resolved these cases.

**Section V Accomplishment Report For Each Program Area**

The following information describes the location of the major program functions within \_\_\_\_\_ and identifies accomplishments, applicable operational guidelines, process, and responsibilities of the various sections.

Appendix B lists staff summarized by gender and race for the following Special Emphasis areas: Planning, Design, Construction and Maintenance Services and Environmental.

**A. Planning**

The Road Services Division is responsible for developing short and long-range plans that provide efficient transportation services to the citizens of \_\_\_\_\_.

Division staff coordinates with other government agencies, private groups, and the public to develop comprehensive plans that meet the transportation needs of \_\_\_\_\_. The Division provides staff and technical assistance to regional transportation groups and serves as KCDOT liaison for planning with the Puget Sound Regional Council.

### **A.1 Number of Consultant Projects for Planning Awarded During this Reporting Period and Dollar Value**

No consultant contracts for planning were awarded during FY 2004.

### **A.2 Efforts Made to Utilize Minority and Female Consultants and Sub-consultants in Federally Assisted Contracts**

It is the policy of \_\_\_\_\_ to comply with 49 Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. \_\_\_\_\_ does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Efforts made to use minority and female consultants during FY 2004 include the following outreach activities:

- **Disadvantaged Business Enterprise (DBE) Goals.** As part of \_\_\_\_\_'s outreach efforts to use minority and female consultants, when appropriate, proposals include a Disadvantaged Business Enterprise (DBE) goal. Certified DBE firms can encompass small, minority and women-owned firms. As a condition of award, the successful bidder must make good faith efforts to meet this DBE goal. The proposer establishes good faith efforts when it documents that it has obtained enough DBE participation to meet the DBE goal; or documents that it has made adequate efforts to do so although unsuccessful.
- **Consultants Selection Procedures.** Consultants are selected according to the procedures outlined in the RCW, \_\_\_\_\_ Codes and Local Agency Guidelines (LAG) Manual procedures for federally assisted projects. \_\_\_\_\_ encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.

The \_\_\_\_\_ Professional and Contract Services Section solicits firms for inclusion on the \_\_\_\_\_'s Architecture and Engineering, Professional Services, and the Construction Small Works Rosters in accordance with RCW 39.80 and \_\_\_\_\_ practices. \_\_\_\_\_ places an advertisement in various news media to include the Seattle Times, Seattle Daily Journal of Commerce and various minority newspapers that have existing contracts with the \_\_\_\_\_. Advertisement is conducted a least twice during a year to encourage consultant firms to apply for placement on the rosters. In addition, \_\_\_\_\_'s Procurement website contains year-round information on how to apply for the rosters and an application that can be downloaded from the following website address:

\_\_\_\_\_ complements the annual roster advertisements with continuous outreach efforts conducted by the Business Development and Contract Compliance Section. These activities include an annual Regional Contracting Forum that provides advance information on upcoming public procurements, networking and one-on-one meetings with public procurement officials. \_\_\_\_\_ provides the leadership and coordination for this annual event. The Business Development and Contract Compliance Section also produces a newsletter that provides a listing of upcoming contracts that is distributed to small, minority and women-owned businesses, The Focus.

- **Public Pre-proposal Meetings.** Other outreach efforts to support the use of minority and female consultants include conducting public pre-proposal meetings to provide information concerning the scope of work and available subcontracting opportunities associated with projects. These meetings are open to all interested parties.

### ***A.3 Studies Conducted which Provide Data Relative to Minority Persons, Neighborhoods, Income Levels, Physical Environments, and Travel Habits***

The \_\_\_\_\_ will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional consideration in accordance with applicable Title VI and Environmental Justice provisions. \_\_\_\_\_'s unincorporated areas do not typically require substantial analysis to determine that the potentially affected areas do not meet thresholds for consideration as low-income or minority communities. However, some projects, do require such analysis.

### ***A.4 Hearings Held During the Report Period and Efforts Utilized to Ensure Citizen Participation, Particularly Minorities, and Women—the Number of these Individuals and the Capacity of their Participation***

No hearings were conducted in FFY 2004. There were seven (7) community advisory group meetings and one other public meeting conducted.

\_\_\_\_\_ continues to use the Washington State Department of Transportation (WSDOT) form for collecting data on public hearing and public meeting attendees for Title VI reporting requirements, per Title 23, Code of Federal Regulations, Part 200.9(b)(4). See Appendix \_\_\_ for a copy of the form used by \_\_\_\_\_ at its public meetings. Appendix F summarizes the forms collected during FFY 2004.

## ***B. Location***

\_\_\_\_\_’s emphasis over the past several years has been the improvement of existing Rights-of-Way and corridors. There has been no activity in the \_\_\_\_\_’s Location Program. When future corridors are considered, the Location Program will be one of the tools used by the \_\_\_\_\_ to help determine their feasibility.



### **B.1 Number of Complaints Filed**

None during this report period.

### **B.2 Identification of Titles, Ethnicity and Gender of Employees in the Location Program**

Not applicable this reporting period. \_\_\_\_\_ currently has no staff currently assigned to location duties since there has been no activity in that area.

### **B.3 Number of Environmental Impact Statements Reviewed During the Report Period, Including a Summary of Comments on EIS Where Minority, Handicapped, Elderly, etc. Communities were Adversely Impacted**

None during this report period.

### **B.4 Number of Consultants Contracts Involving Project Development Activities**

None during this report period.

### **B.5 Number of Public Hearings Held During the Report Period Concerning Location of a Project, including How the Hearings Were Advertised and Notification to Minorities**

None during this report period.

### **B.6 Encouragement of Minority Leaders to Provide Suggestions and Ask Questions on Location of Highways**

Not applicable during this report period. No new highways were located during this report period.

### **B.7 Need to Use Bilingual Advertisements, Announcements, Notices, etc. During the Report Period**

None during this report period.

## **C. Design**

Design activities are performed by two sections of the Road Services Division. The Engineering Services Section designs safe and cost effective roads and bridges, according to all governing laws and regulations, including those that protect the environment. The Traffic Engineering Section designs traffic signalization and interconnect systems, roadway channelization, performs traffic analysis in support of road and bridge projects and is also responsible for the preservation and upkeep of \_\_\_\_\_ traffic systems. A SEPA review is completed for every project. SEPA checklists are prepared for most projects and Environmental Impact Statements are done for large complex projects if they have a significant impact to the environment, built or natural.

**C.1 Number of Consulting Firms with Design Contracts, including the Number of these Contracts Held by Minority Firms and Women-Owned Firms/ Dollar Value**

For FFY 2004, twenty-three consulting firms were engaged in design contracts. For reporting purposes, work order and task order contracts that have multiple awards are considered contracts awarded. The accompanying tables summarize the number of contracts awarded, including work order and task order contracts, and the sum of those contract awards by prime and sub-consultant.

**Table V.C.1.** provides the number of contracts and total dollar value awarded to minority firms and women-owned firms as prime consultants with design contracts.

<b>Table V.C.1. - Design Contracts-Prime</b>				
<b>Name of Firm</b>	<b>Certification Status</b>	<b>Ethnicity</b>	<b># Contracts Awarded (includes work and task orders)</b>	<b>Sum of Contract Awards (rounded to nearest thousand)</b>
Name of Firm	WBE	White	2	\$64,000
Name of Firm	MBE/DBE	Asian	1	\$23,000
Name of Firm	WBE/DBE	White	1	\$ 7,000

**Table V.C.2.** below contains information on the number of minority firms and women-owned firms who currently have subcontracts, their certification status, ethnicity, and sum of contract awarded dollar value.

<b>Table V.C.2. – Minority, Women-Owned Firms with Consultant Subcontracts</b>				
<b>Name of Firm</b>	<b>Certification Status</b>	<b>Ethnicity</b>	<b># Contracts Awarded (includes work and task orders)</b>	<b>Sum of Contract Awards (rounded to nearest thousand)</b>
Name of Firm	WBE/DBE	White	2	\$48,000
Name of Firm	MWBE/DBE	Black	2	\$17,000
Name of Firm	WBE/DBE	White	1	\$ 3,000
Name of Firm	WBE	White	1	\$12,000
Name of Firm	MBE/DBE	Hispanic	3	\$50,000
Name of Firm	MBE/DBE	Asian	1	\$27,000
Name of Firm	MBE/DBE	Asian	1	\$18,000
Name of Firm	MBE/DBE	Asian	2	\$32,000
Name of Firm	MWBE/DBE	Asian	1	\$16,000
Name of Firm	MBE/DBE	Asian	1	\$ 2,000
Name of Firm	MBE/DBE	Asian	2	\$57,000
Name of Firm	WBE/DBE	White	3	\$23,000
Name of Firm	WBE/DBE	White	1	\$18,000
Name of Firm	MWBE/DBE	Asian	1	\$18,000
Name of Firm	MWBE/DBE	Asian	1	\$18,000
Name of Firm	WBE/DBE	White	1	\$17,000
Name of Firm	WBE/DBE	White	2	\$15,000
Name of Firm	MBE/DBE	Hispanic	1	\$14,000
Name of Firm	WBE/DBE	White	1	\$42,000
Name of Firm	MBE/DBE	Asian	2	\$18,000

### **C.2. Efforts to Increase Minority and Female Participation in Obtaining Consultant Contracts**

- **Procurement Information System.** \_\_\_\_\_'s Procurement Information System, through the Department of Transportation, \_\_\_\_\_ Services Division requests Letters of Interest, Statement of Qualifications

and Proposals from all firms qualified and interested in providing professional services for contracts awarded by the \_\_\_\_\_. \_\_\_\_\_ posts information on current Requests for Proposals on its Internet Website. Proposals identify the types of sub consulting opportunities that may be available on the project for informational purposes.

- **Advertisement in local papers and \_\_\_\_\_ Procurement Website.** \_\_\_\_\_ advertises Requests for Proposals for consulting services in local papers and on its Procurement Website. The scope, size and duration of these contracts vary in size to promote diversity in the number and size of firms competing for these awards. Some contracts are for complete design services on a single project. Others may be for environmental reviews, traffic analysis, mediators or a wide range of professional services. \_\_\_\_\_ solicits some small A&E contracts (under \$150K) from Consultants using its A & E Roster.
- **Advance Information on Upcoming Contract Opportunities.** During Federal Fiscal Year 2004, \_\_\_\_\_'s efforts to use minority and female consultants included providing advance information on upcoming contract opportunities to DBE's to include small, minority and women-owned businesses.

\_\_\_\_\_ also provided the leadership for a Regional Contracting Forum held in February, 2004 with sponsorship from several local agencies and the State of Washington Office of Minority and Women's Business Enterprises. Outreach efforts for this event targeted small businesses, including minority and women-owned businesses in all contracting categories. The event provided a forum for networking between large and small firms, and provided information on public contract opportunities totaling greater than \$800 million. The Forum provided access to public procurement officials for participants seeking contracts. More than 700 business representatives attended the Forum and several public agencies shared information on economic opportunities with their organizations.

- **Newsletter Distribution.** During FY 2004, \_\_\_\_\_ produced, distributed 1,500 copies and targeted mailings of its newsletter, The Focus, to small businesses, including minority and female consulting firms in its market area.
- **Grassroots Level Outreach Efforts.** During FY 2004, \_\_\_\_\_ supplemented its outreach to include a grassroots level approach to meet one-on-one with small economically disadvantaged businesses, including minority and women-owned businesses. These efforts include informing and helping these firms to take advantage of economic development initiatives underway. These outreach efforts support other existing activities to identify small businesses and provide incentives for prime contractors and proposers to use of these firms in \_\_\_\_\_ contracting opportunities.

- **Office of Business Relations & Economic Development.** \_\_\_\_\_'s Office of Business Relations & Economic Development is a catalyst in the \_\_\_\_\_ and Central Puget Sound region for economic development. One objective of the office is the development of small businesses that includes collaboration among colleges, cities, chambers of commerce, and the business community and government economic development agencies. The office has two primary goals: to retain, expand and grow economically viable businesses in the Puget Sound Region and to nurture a well-trained workforce to support those businesses.
- **Collaboration with other Local Governments.** \_\_\_\_\_ provides the leadership for a regional partnership group that includes the (Other Local groups working on transportation issues) . Monthly meetings serve to address, identify and implement strategies to promote and encourage the broader inclusion of small disadvantaged businesses, including minority and women-owned businesses in the contracting opportunities of these agencies. Meetings facilitate collaboration and information sharing among group members.

### **C.3 Public Hearings Held During the Design Phase of any Highway**

No public hearings were conducted in FFY 2004; however \_\_\_\_\_ did conduct public outreach for projects and pre-proposal meetings for consultant contracts.

\_\_\_\_\_ conducted a number of public meetings during FFY 2004. The \_\_\_\_\_ widely distributes advance information to every household and business in the project area notifying them of the meeting. During FFY 2004, there were seven (7) community advisory group meetings, and one project public meeting conducted.

Pre-proposal meetings open to the public are held to benefit prospective proposers for design contracts. The proposal requirements are explained and project information is presented. In addition these meetings afford networking opportunities for D/M/WBE firms to build teaming relationships. Minority, women, and disadvantaged businesses are active participants in these meetings. A \_\_\_\_\_ Business Development Specialist attends many of these meetings to discuss any D/M/WBE or Civil Rights requirements and to answer questions. During FY 2004, no pre-proposal meetings were held for design contracts.

### **C.4 Employees in the Design Program Area, including Ethnicity and Sex, including Efforts to Increase Minority and Female Representation Where Low**

See Appendix B for information on employees.

\_\_\_\_\_ uses various recruitment approaches to identify minorities and women in the Design Program area. These include advertisements in regional and local publications, contacts with state, \_\_\_\_\_ and city agencies and professional associations, i.e., American Society of Civil Engineers

(ASCE), Society of Women Engineers (SWE), American Public Works Association (APWA), National Society of Black Engineers (NASB), American Indian Science and Engineering Society, Society of Hispanic Professional Engineers (SHPE) Association of Filipino Engineers of Washington (AFEW) and \_\_\_\_\_ Road Administration Board (CRAB).

During this report period, recruitment staff in the Design area actively participated in the following job fairs and forums: ANEW (Apprenticeship for Nontraditional Employment for Women) Women in Trades Fair, and Professional and Technical Diversity Network.

### **C.5 Complaints Filed in the Design Program Area**

None during this report period.

### **C.6 Significant Problem Areas, Accomplishments, and Actions to Take During the Ensuing Year.**

No significant problem areas were identified during this report period.

## **D. Environmental Unit**

The Environmental Unit of the Road Services Division, Engineering Services Section, works to ensure the promotion of environmental integrity in the design, construction and maintenance of transportation systems that serve the needs of the \_\_\_\_\_'s various communities. This section responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that projects undertaken by \_\_\_\_\_ meet these provisions, as required by Washington State and the Federal Government.

\_\_\_\_\_ 's unincorporated areas do not typically require substantial analysis to determine that the potentially affected areas do not meet thresholds for consideration as low-income or minority communities.

During FFY 2004, the \_\_\_\_\_'s Road Services Division, Engineering Services Section conducted seven (7) NEPA and thirty (30) SEPA environmental reviews. The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities. As we reported previously, Title VI/Environmental Justice issues have been a significant aspect of the EIS that is currently being prepared for the \_\_\_\_\_ Bridge project. The \_\_\_\_\_ Bridge Project EIS was initiated in February 20\_\_ and there have been ongoing efforts to address and comply with Title VI/Environmental Justice considerations from the outset. During FYE 2003 staff from \_\_\_\_\_ and WSDOT completed the technical studies pertaining to socio-economic impacts and Title VI/Environmental Justice considerations. The results from those studies have been incorporated into the draft review versions of the Draft EIS. Those initial drafts have been revised to clarify Title VI/Environmental Justice information and address

specific comments from WSDOT. Following its approval by WSDOT and FHWA, \_\_\_\_\_ anticipates issuing the Draft EIS in 2005.

See Appendix C for the list of names for each project that was subject to an environmental review during FY 2004. A copy of the SEPA exemption determination and determination of non-significance is included for each project.

## **E. Real Estate Services (Right of Way)**

\_\_\_\_\_’s Department of Executive Services, Facilities Management Division, Real Estate Services Section manages and coordinates the appraisal and acquisition of real property for the \_\_\_\_\_’s Department of Transportation, Road Services Division. This section’s scope of responsibilities also includes the management of excess properties and relocation services.

The property acquisition process follows the WSDOT Right of Way Manual and all applicable laws and regulations, including Title VI and Section 504. The acquisition process includes appraisal of property, negotiation of terms and conditions for acquisition, and relocation assistance, as well as property management.

### ***E.1 Civil Rights Complaints in the following Real Estate Services (Right of Way) Areas:***

- E.1.a. Appraisals – None during this report period.**
- E.1.b. Negotiations – None during this report period.**
- E.1.c. Relocation Assistance and Payments – None during this report period.**
- E.1.d. Property Management – None during this report period.**

### ***E.2 Number of Appraisers Utilized During the Reporting Period***

During FFY 2004, four appraisers were utilized, two females, two males and no minorities. The appraisers are \_\_\_\_\_ employees. Decisions to obtain new appraisers are based on need and vacancies. There are no vacancies at this time. There were no contracts for appraisers during this reporting period.

### ***E.3 Number of Negotiations During the Report Period and Disparity in Contract Negotiations between Minorities and Non-minorities***

There were 80 negotiations during this report period. No disparity in contract negotiations was noted.

**E.4 Concerns Raised by Minorities or Women Regarding their Options in the Negotiation Phase**

None during this report period. Reported concerns are directed to the Property Services Acquisition Supervisor for resolution. Concerns reported to the \_\_\_\_\_ Executive or \_\_\_\_\_ Council are directed to the Facilities Management Director or Property Services Manager, and then assigned to the Acquisition Supervisor for resolution with the complainant. Correspondence and outcomes are documented in the specific property file and the project general file.

**E.5 Number of Relocations During the Report Period**

There were no relocations during FFY 2004.

**E.6 Concerns Raised by Minorities or Women on Replacement Housing, Referral Housing and Advisory Services**

None.

**E.7 Opportunities for Minorities and Women to Obtain Contracts Awarded for Providing Relocation Assistance**

In-house relocation assistance services are conducted according to the rules guidelines of the federal Uniform Relocation Act (CFR24), RCW 8.26, and the WSDOT relocation manual and LAG agreement. Staff attend project open houses to present relocation services and benefits, and later meet individually with affected relocatees to negotiate and finalize benefit awards.

**F. Construction and Maintenance Services**

The Construction Services Group provides guidance and oversight for the administration of transportation construction projects. The \_\_\_\_\_'s Road Maintenance Operations Section is responsible for the preservation and upkeep of \_\_\_\_\_ roads and bridges.

**F.1 Civil Right Complaints Involving Competitive Bidding Procedures**

There were no complaints involving competitive bidding procedures during the reporting period.

**F.2 Summary of Efforts Made by the Title VI Coordinator to Encourage the Use of Minority Individuals, Firms or Agencies to Obtain Maintenance Agreements or Contracts**

Contract Specialists located in the Business Development and Contract Compliance Section review the scope of work for all advertised solicitations on a contract-by-contract basis. These reviews identify potential subcontracting opportunities to breakdown scopes of the work for the participation of smaller firms. Outcomes of these reviews include the establishment of goals, when applicable, for the participation of Disadvantaged Business Enterprises, including minority and women-owned firms.



For advertised procurements, \_\_\_\_\_ Project Managers complete and submit a Subcontracting/Apprenticeship Availability Analysis Worksheet to the Business Development and Contract Compliance Section. The advertisement identifies the specific scopes of work that are available as subcontracting opportunities. The Title VI requirements are included in the bid/proposal specifications as FHWA form 1273. This form identifies and defines the Title VI requirements which are made a part of the contract documents. The specifications include a requirement for these provisions to be made a part of all lower tier subcontracts entered into by the successful contractor.

### **F.3 Procedures Reviewed to Assure Subcontract Agreements, First and Second Tier, Material Supply and Equipment Lease Agreements During the Report Period**

Staff in the Business Development and Contract Compliance Section work with \_\_\_\_\_ Departments throughout the life of the project, beginning with the construction planning phase through physical completion, the final contract closeout, and final release of retainage to the contractor.

Title VI requirements are included in all contract documents, including all lower tier contracts, amendments and supplements entered into by the contractor. The nondiscrimination/affirmative action language in \_\_\_\_\_ contracting documents is identical to WSDOT General Special Provisions 1-07.11 (1050.2 language).

After contract execution, the contractor is responsible for reporting requirements outlined in the contract, including all affirmative action and non-discrimination submittals for its subcontractors in accordance with \_\_\_\_\_ Code.

During performance of the contract, neither the contractor nor any party subcontracting under the authority of the contract is permitted to discriminate or tolerate harassment in employment, administration, delivery of services or any other benefits under the Contract. \_\_\_\_\_ Code Chapters 12.16 and 12.17 are incorporated by reference into the contract terms and conditions. \_\_\_\_\_ will not execute any contract without prior receipt of the non-discrimination or affirmative action documents specified in the contract terms and conditions.

\_\_\_\_\_ performs on-site compliance reviews to establish with reasonable certainty contractors' compliance with Affirmative Action requirements, as required by federal, state, and local laws.

At contract end, contractors must submit to the \_\_\_\_\_ a copy of the Affidavit of Wages Paid Form for each subcontractor that performed work on the contract. The Washington State Department of Labor and Industries approves this form. Staff within the Business Development and Contract Compliance Section receives the Final Affidavit of Amounts and approves the final payment to the contractor after verification that the contractor has fulfilled its reporting requirements.

**F.4 Significant Accomplishments and/or Action Items for the Ensuing Year**

Continue monitoring disadvantaged, minority, women, and small business participation in \_\_\_\_\_ Road construction contracting.

**G. Education and Training****G.1 During the Reporting Period, Efforts Made to Encourage Participation by Minorities and Women in the NHI's Educational Program**

All staff is encouraged to participate in educational and training programs relating to their jobs. Training announcements are mailed to \_\_\_\_\_ departments and are distributed accordingly and maintained in a training notebook or on a shared drive for ready employee access. In addition, staff members who have information on training, or who receive information from vendor training mailing lists, can submit this information to the training coordinators for each section within the Road Services Division and they distribute accordingly. The \_\_\_\_\_ advertises NHI classes to all relevant staff. Staff are encouraged to participate in courses offered by WSDOT, National Highway Institute, and other agencies. Historically, all staff who indicate a desire to attend are approved for training.

**G.2 Types of NHI Sponsored Programs and Number of \_\_\_\_\_ Participants, Including Minorities and Women**

During 2004, there were no NHI sponsored or co-sponsored programs that Road Services Division employees participated in or attended. A number of employees attended WSDOT sponsored training, unrelated to Title VI. Information regarding attendees is available upon request.

In June 2004, Jim Sussex, \_\_\_\_\_ Department of Transportation Road Services Division, and Maurice Alexander, \_\_\_\_\_ Office of Civil Rights, attended a WSDOT sponsored course: *A Model for Conducting Environmental Justice Analysis*. In part, this course explained Title VI responsibilities associated with environmental justice and receiving federal aid.

**G.3 Identify Staff Responsible for Training by Job Title, Ethnicity and Gender**

Staff within \_\_\_\_\_'s Office of Civil Rights (\_\_\_\_\_) provides guidance to departments on their responsibilities and reporting requirements for Title VI.

**Table V.G.1** below shows \_\_\_\_\_ staff responsible for Title VI training to departments by job title, ethnicity, and gender.

<b>TABLE V.G.1 Title VI Training Staff within the Office of the Title VI Coordinator</b>			
Name	Job Title	Ethnicity	Gender
de longh, Bailey	Title VI Coordinator	Caucasian	Female
Alexander, Maurice	Civil Rights Specialist	African American	Male

**G.4 Civil Rights Complaints Filed Concerning Training and Educational Opportunities and any Corrective Actions Taken**

No complaints were filed during this reporting period.

**H. Administration**

**H.1. List of Employees by Ethnicity and Gender in each of the Title VI Program Areas.**

Please refer Appendix B for a summarization of the ethnicity and gender of employees in the respective program areas.

**H.2 Summarize all Activities Undertaken During the Reporting Period which Provide for Assurances of Title VI Compliance with Contractors, and by Contractors (i.e. are Title VI compliance included in all contracts and consultant agreements; were reviews made to ensure contractors and consultants are adhering to Title VI requirements; are contractors and/or consultants appraised of Title VI implications and issues, etc.)?**

The following is a summary of activities undertaken during the reporting period that provide for assurances of Title VI compliance with contractors, and by contractors.

❖ **Title VI Training**

\_\_\_\_\_’s Office of the Title VI Coordinator has developed and presented training for \_\_\_\_\_ staff so they are aware of Title VI requirements. See section H.3. below.

❖ **Dissemination of \_\_\_\_\_’s Title VI Policy Statement**

\_\_\_\_\_’s Title VI Policy Statement is included in a post award packet of informational materials that the Business Development and Contract Compliance Office send to the \_\_\_\_\_’s prime contractors. The post award packet includes information on the \_\_\_\_\_’s reporting requirements and is sent to all prime contractors for each contract that has been publicly bid and advertised.

❖ ***Title VI Provisions in all \_\_\_\_\_ Federally Funded Contracts***

All federally funded contracts administered by \_\_\_\_\_ contain Title VI provisions (FHWA form 1273).

❖ ***Analysis Worksheet Reviews for All Advertised Construction Bids and Proposals***

Contract Compliance Specialists located in the Business Development and Contract Compliance Office receive and review Subcontracting/Apprenticeship Availability Analysis Worksheets for projects advertised for construction bids. The worksheet identifies the specific scopes of work, if any, which may be available for performance by subcontractors. Specifications (FHWA form 1273) defining Title VI requirements are included in the contract documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the contractor. (Contract documents also include GSP 01-07.11 language relating to the Requirements for Non-discrimination.) Goals are established for the participation of Disadvantaged Business Enterprises, where applicable.

❖ ***Public Pre-proposal Meetings***

No public pre-proposal meetings were held during this reporting period. A \_\_\_\_\_ Business Development Specialist may attend these meetings to discuss any D/M/WBE or Civil Rights requirements and to answer any questions, including any about Title VI requirements.

❖ ***Inclusion of Goals on Federally-Assisted Contracts***

Staff in the Business Development and Contract Compliance Office review federally assisted contracts for DBE goals.

❖ ***Non-discrimination Provisions in Contracts***

All \_\_\_\_\_ contracts, including federally assisted contracts, contain non-discrimination provisions to ensure and heighten awareness that \_\_\_\_\_ will not tolerate discriminatory practices.

### H. 3 Title VI Training During the Period

Table V.H.3. lists the FFY 2004 Title VI training/meetings and attendees

<b>Table V. H.3. Title VI Trainings/Meetings</b>		
<b>Date</b>	<b>Type of Training</b>	<b>Audience</b>
2/18/04	Title VI – Sound Transit Regional Contracting Forum	Regional governments, contractors and vendors
5/17/04	Title VI – FHWA/WSDOT	Caroline McShane, Betty Gulledge-Bennett, Bailey de longh, Maurice Alexander
7/21/04	Title VI Training/Compliance Review - Planning, Design	Mark Melroy, Bailey de longh, Maurice Alexander
8/9/04	Title VI Training/ Compliance Review – Environmental	Wally Archuleta, Bailey de longh, Maurice Alexander
8/26/04	Title VI Training/Compliance Review – Real Estate Services (ROW)	Harold McNelly, Bailey de longh, Maurice Alexander
9/1/04	Title VI Training/Compliance Review - Environmental Justice, Limited English Proficiency	Ronda Strauch, Wally Archuleta, Gail Sullivan, Karen Webster, Jennifer Naas, Ron Melnikoff, Katherine Merrill, Manuela Winter, Tina Morehead
9/7/04	Title VI – Effective Team Building AASHTO	National civil rights practitioners involved in DOT work
9/10/04	Title VI - Training/Compliance Review Construction, Consult	Jim Eagan, Lance Hulin, Matt Nolan
9/14/04	Title VI - Training/ Compliance Review	Mike Mendoza, Bill Blackburn, Sue Ziegman, Elvira Iwatani, Alan Momohara, Jay Osborne, Chuck Davis

**APPENDICES**

**APPENDIX A**

**Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement**

Title VI of the Civil Rights Act of 1964 requires \_\_\_\_\_ to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. \_\_\_\_\_ collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

\_\_\_\_\_ wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in \_\_\_\_\_ Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at 206-296-7592 or e-mail at \_\_\_\_\_@metrokc.gov.

Please respond to the following questions:

Project name:	Date:
Meeting location:	

Name (please print):		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one):		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other _____
Color:	National Origin:	

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

## Appendix B

The following table summarizes staff gender and race by the respective program areas.

Special Emphasis Area	Race	Gender	
		Female	Male
Design	Asian	15	17
	Black	3	1
	Caucasian	13	42
	Filipino	1	2
	Hispanic	2	2
	Other	1	
Design Total		35	64
Environmental Services Unit	Black	2	
	Caucasian	9	5
	Hispanic		1
Environmental Services Unit Total		11	6
Planning	Asian	2	5
	Black		1
	Caucasian	6	10
Planning Total		8	16
Construction & Maintenance Services	Asian	2	6
	Black		2
	Caucasian	6	12
Construction & Maintenance Services Total		8	20
Grand Total		62	106

**Appendix C:**

**STATE ENVIRONMENTAL PROJECT ASSESSMENTS (SEPA) EXEMPTION DETERMINATIONS AND DETERMINATIONS OF NON-SIGNIFICANCE**

Project Number	Project Name	NEPA/SEPA Type*
XXYY	Project Name	SCE

**\*Type: NCE=NEPA Categorical Exclusion; EA=Environmental Assessment; NEIS=NEPA Environmental Impact Statement; SCE=SEPA Categorical Exemption; ECL=Environmental Checklist; SEIS=SEPA Environmental Impact Statement**



## Appendix D:

### TITLE VI IMPLEMENTATION PLAN Revised September 2004

#### 1. Internal Dissemination

**Goal:** To complete internal dissemination of \_\_\_\_\_'s revised Title VI Plan and FFY 2004 Title VI Update Report before December 1, 2004.

\_\_\_\_\_ 's Title VI Coordinator has distributed copies of its original Title VI Plan and assurances to \_\_\_\_\_ departments, \_\_\_\_\_ Council, \_\_\_\_\_ Civil Rights Commission, Department of Transportation Division Managers and the Office of the Prosecuting Attorney. Such distribution occurred on or before December 2000. The updated Plan dated September 2002 was disseminated in December 2002. The Plan as revised in 2004, along with the FFY 2004 Title VI Update Report will be circulated by December 1, 2004.

The Title VI Specialist and Special Emphasis Area Liaisons (as defined in the plan) received copies of the original plan and will receive copies of the updates promptly for incorporation into operational manuals, guidelines, and procedures.

#### 2. External Dissemination

**Goal:** Public notification of \_\_\_\_\_'s Title VI Plan will be on going.

A. \_\_\_\_\_ will publicize \_\_\_\_\_'s policy statement, as included in the Title VI Plan, in local minority and community-based newspapers. The \_\_\_\_\_'s Title VI Plan will be made available to the public upon request. Additionally, the \_\_\_\_\_ Title VI Policy Statement and Complaint procedure may be found on the internet at [http://www.metrokc.gov/dias/\\_\\_\\_\\_\\_/titlevi.htm](http://www.metrokc.gov/dias/_____/titlevi.htm).

B. The \_\_\_\_\_ will continue to distribute copies of the Title VI Plan to contractor organizations upon request. Additionally, the \_\_\_\_\_ will make copies of the plan available to all prime contractors, subcontractors, consultants and suppliers currently participating on \_\_\_\_\_ public works projects receiving federal financial aid upon request. The \_\_\_\_\_ will also make copies available to other firms providing goods and services to \_\_\_\_\_ upon their request.

C. The \_\_\_\_\_ will include the appropriate Title VI nondiscrimination language and any implementing requirements FHWA may issue in all solicitations for competitive bidding or negotiated procurements with federal aid for construction, professional services and purchase of materials or equipment.

### 3. Training

**Goal:** To ensure that \_\_\_\_\_ employees involved in the project management and the contracting practice are knowledgeable on potential Title VI issues (ongoing).

A. Title VI Specialists and Liaisons are strongly encouraged to participate in training programs and workshops offered through Washington State Department of Transportation and others. Additionally, the Title VI Coordinator, in communicating with the Title VI Liaisons and Specialists, informs \_\_\_\_\_ employees of any new training opportunities upon notification from other external agencies.

B. Additionally, \_\_\_\_\_ Staff in conjunction with staff in the \_\_\_\_\_ Department of Transportation, Road Division, will continue to develop new training for \_\_\_\_\_ staff.

C. The \_\_\_\_\_'s Title VI Coordinator shall oversee training to include staff involved in \_\_\_\_\_'s contracting processes. The Title VI Specialist will conduct the training. Training will occur throughout the year and will be specific to the Road Services and Contracting Divisions of \_\_\_\_\_ initially. This training will include information on:

- The role of \_\_\_\_\_ as the Title VI Coordinating agency
- Technical Assistance on Title VI matters
- Title VI reviews of program areas
- Procedures for the prompt processing of complaints of discrimination
- The necessity of updating the Title VI Plan to reflect organizational policy or implementation changes

The \_\_\_\_\_'s Title VI Coordinator will request Department Directors and Managers to inform employees of new training opportunities upon notification from the Coordinator's office. Such opportunities may include courses offered by WSDOT, as well as from other outside agencies.

D. The \_\_\_\_\_ will provide a training schedule to the Washington State Department of Transportation's Office of Equal Opportunity Title VI Coordinator.

E. The \_\_\_\_\_'s Title VI Coordinator shall maintain information gathered from training records for inclusion in annual report updates.

### 4. Information Collection for Annual Updates

**Goal:** To establish and implement processes and procedures for collection of information required for inclusion in annual update report.

- A. The Title VI Specialist and Liaisons will assist the Title VI Coordinator in gathering and maintaining information on specific program areas and affected \_\_\_\_\_ departments.
- B. \_\_\_\_\_ will work with Liaisons and a designated Data Coordinator to collect and report on the information required by WSDOT for the Title VI Annual Update.
- C. Information for reports will be obtained from sources such as on-site compliance reviews (internal and external), checklists, review guides, questionnaires, public meeting sign in sheets, personnel inventory and employment utilization forms and inquires from the public. The Office of the Title VI Coordinator will compile this information for inclusion in the annual update reports as required.

#### 5. **Complaint Resolution**

**Goal:** To ensure that complaints are resolved in a professional and timely manner.

The \_\_\_\_\_'s Title VI Coordinator will investigate all complaints of Title VI violations as appropriate. The \_\_\_\_\_ will use procedures outlined in the Title VI Plan to investigate such complaints. The objective of the investigation will be to determine whether prohibited discrimination has occurred or could occur, and to take steps to remedy the situation. To accomplish this, the Title VI Coordinator shall coordinate the following:

- A. Identification of the basis for the complaint;
- B. Identification of sources of information;
- C. Fact finding interviews with aggrieved persons, witnesses and the alleged violator;
- D. Development of a statement of finding-of-facts and information relevant to the issue/basis for the complaint;
- E. Informal dispute resolution;
- F. Report of findings in a manner that includes a conclusion and determination of future actions to take; and
- G. Provision for possible appeal of the decision to the FHWA.

The \_\_\_\_\_'s Title VI Coordinator will consult with WSDOT before commencing investigations to determine which agency should properly investigate.

#### 6. **Annual Title VI Update Report**

**Goal:** To provide detailed information on activities performed in implementing \_\_\_\_\_'s Title VI Plan and to document accomplishments.

The Annual Title VI Update Report will include detailed information regarding the implementation activities related to \_\_\_\_\_'s Title VI Plan and the \_\_\_\_\_'s accomplishments. Specific areas that will be covered in the Annual Report include, but may not be limited to the following:

- A. Organization and Staff Profile
- B. Title VI Monitoring and Review Process
- C. Complaints and Investigations
- D. Special Emphasis Program Area Activities and Accomplishments
- E. Title VI Administration
- F. Training
- G. Accomplishments Report for Current Year

**Appendix E:**

\_\_\_\_\_ **Title VI Policy Statement**

\_\_\_\_\_ assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Washington State Department of Transportation.

\_\_\_\_\_ further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event \_\_\_\_\_ distributes federal aid funds to another governmental entity or other sub-recipient, \_\_\_\_\_ will include Title VI language in all written agreements and will monitor for compliance.

\_\_\_\_\_’s Office of the Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other \_\_\_\_\_ responsibilities as required by 23 CFR 200 and 49 CFR 21.

\_\_\_\_\_ Date  
\_\_\_\_\_ Executive

**Appendix F**

**TITLE VI FORMS**

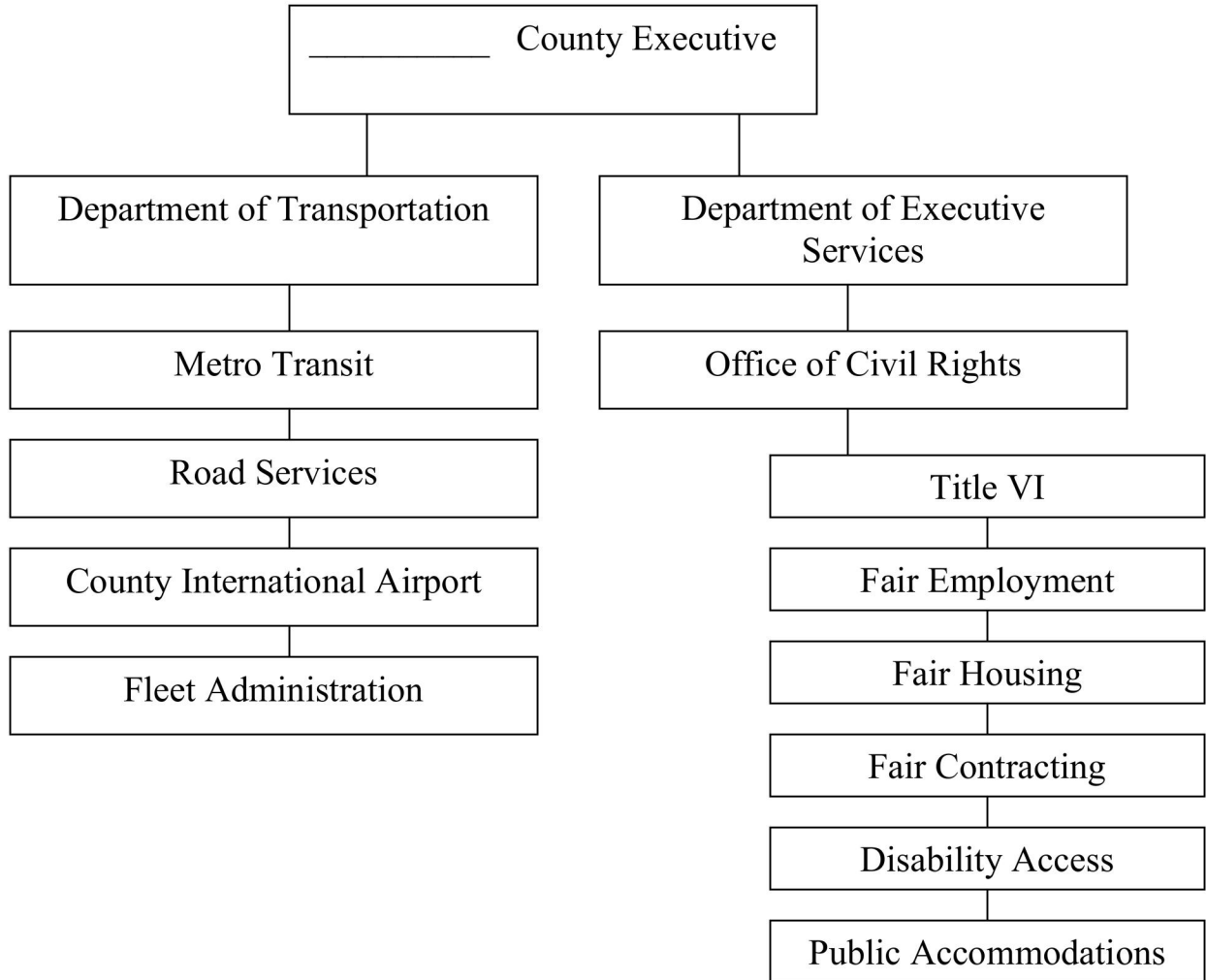
\_\_\_\_\_ provides Title VI forms to participants at public meetings (See Appendix A). In 2004 two forms were completed and turned in by participants.

Title VI Public Involvement forms were made available at the \_\_\_\_\_ Bridge EIS Community Advisory Group meetings on \_\_/\_\_/2004 at the Elementary School Library, and two forms were submitted.

These forms are kept on file in the Department of Transportation and in the Office of the Title VI Coordinator.

## Appendix G

### Organizational Chart



**Appendix 28.74****Title VI Compliance Review  
Questionnaire for Local Agencies**

---

Local Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

**I. Administration****A. Staff Composition and Program Administration**

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.
  
2. How many federally funded projects have you managed during the last two years? Dollar amount?
  
3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.
  
4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

**B. Complaint Procedure**

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?

2. Have you received any Title VI related complaints during the past two years? If so, how many? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.
  
  
  
  
  
  
  
  
  
  
3. Do you have a Title VI Notice to Public? If so, please provide copy.

**C. Training**

1. Has your staff received any training (formal or informal) regarding Title VI?
  
  
  
  
  
  
  
  
  
  
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

**II. Planning Activities**

**A. Public Involvement**

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
  
  
  
  
  
  
  
  
  
  
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?



3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?
  
  
  
  
  
  
  
  
  
  
4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

### **III. Consultant Contracts Activities**

1. Are Title VI assurances and provisions included on consultant contracts?
  
  
  
  
  
  
  
  
  
  
2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?
  
  
  
  
  
  
  
  
  
  
3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

### **IV. Design/Environmental Activities**

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?

2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?
  
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?
  
4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?
  
5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

**V. Right of Way Activities**

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?
  
2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?

3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
  
4. Are all values and communications associated with appraisals conducted in an equitable fashion?
  
5. Do deeds, permits, and leases contain Title VI compliance clauses?
  
6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

## **VI. Construction and Maintenance Activities**

1. Have contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
  
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?
  
3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?

4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?

**Appendix 28.75****Example of Annual Report for  
Agency with Population Over 100,000****Section I Policy Statement**

A copy of \_\_\_\_\_ Title VI Policy Statement is attached in Appendix \_\_\_ of this report.

**Section II Organization, Staffing And Structure****A. Organization**

Outline your organization and how it works with your Title VI Policy.

**B. Staffing**

Describe your agency staff and how they interact in the program.

**C. Structure**

Describe the Structure of your program, the following is an example only. Your agency may have a different approach.

**Table II.C.1.** below shows Title VI Special Emphasis Program Area Liaisons within XYZ Agency. For this update, program area elements include planning, location, design, environmental services, real estate services (right of way), construction, and education and training. The program area liaisons work directly with the Title VI Specialist in the Office of the Title VI Coordinator. All liaison positions have been filled at this time.

<b>Name</b>	<b>Gender/ Ethnicity</b>	<b>Title</b>	<b>Program</b>
John Smith	Male/Caucasian (example only)	Managing Engineer	Engineering/Planning/ Design and Construction
Mary Ramirez	Female/Hispanic (example)	Project/Program Manager III	Education/Training for Construction
		Program Analyst IV	Education/ Training for Administration
		Program Analyst IV	Education/ Training for Maintenance
		Project/Program Manager III	Education/Training for Construction
		Program Analyst IV	Education/ Training for Administration

**Section III Title Vi Monitoring And Review Process****A. Actions to Promote Internal and External Compliance with Title VI**

List actions, meetings, scheduled events, etc that help your agency promote both internal and external compliance with Title VI program.

**Internal**

In detail explain your agency's activities and interaction within your organization in this area.

**External**

Detailed explanation of your agency's activities outside the agency that promote your Title VI program.

**B. Title VI Compliance Reviews During this Report Period**

- List and bullet reviews conducted during the past year, name the reviewers and dates of the reviews.

**Section IV Title Vi Complaints During This Report Period**

Either:

“Received no complaints against the (Agency Name and Division) in the fiscal year 2003-2004.”

OR something like:

“The two complaints alleged one incident of denial of bus services by the (Agency Name and Division). The complaints alleged discrimination based on race. (Agency Name) resolved these cases.

**Section V Accomplishment Report For Each Program Area**

The following information describes the location of the major program functions within (Your Agency Name) and identifies accomplishments, applicable operational guidelines, process, and responsibilities of the various sections.

Appendix \_\_ lists staff summarized by gender and race for the following Special Emphasis areas: Planning, Design, Construction and Maintenance Services and Environmental.

**A Planning**

Example:

The Road Services Division is responsible for developing short and long-range plans that provide efficient transportation services to the citizens of (Agency Name).

Division staff coordinates with other government agencies, private groups, and the public to develop comprehensive plans that meet the transportation needs of (Agency Name). The Division provides staff and technical assistance to regional transportation groups and serves as liaison for planning with the Puget Sound Regional Council.

### **A.1 Number of Consultant Projects for Planning Awarded During this Reporting Period and Dollar Value**

No consultant contracts for planning were awarded during FY 2004.

### **A.2 Efforts Made to Utilize Minority and Female Consultants and Sub-consultants in Federally Assisted Contracts**

It is the policy of (Agency Name) to comply with 49 Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. (Agency) does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Efforts made to use minority and female consultants during FY 2004 include the following outreach activities:

- **Disadvantaged Business Enterprise (DBE) Goals.** As part of (Agency Name) outreach efforts to use minority and female consultants, when appropriate, proposals include a Disadvantaged Business Enterprise (DBE) goal. Certified DBE firms can encompass small, minority and women-owned firms. As a condition of award, the successful bidder must make good faith efforts to meet this DBE goal. The proposer establishes good faith efforts when it documents that it has obtained enough DBE participation to meet the DBE goal; or documents that it has made adequate efforts to do so although unsuccessful.
- **Consultants Selection Procedures.** Consultants are selected according to the procedures outlined in the RCW, and Local Agency Guidelines (LAG) Manual procedures for federally assisted projects. (Agency Name) encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.

The (Agency Name) solicits firms for inclusion on the Architecture and Engineering, Professional Services, and the Construction Small Works Rosters in accordance with RCW 39.80 and (Agency Name) practices. (Agency Name) places an advertisement in various news media to include the (Names of Publications) and various minority newspapers that have existing contracts with the Agency. Advertisement is conducted a least twice during a year to encourage consultant firms to apply for placement on the rosters.

- **Public Pre-proposal Meetings.** Other outreach efforts to support the use of minority and female consultants include conducting public pre-proposal meetings to provide information concerning the scope of work and available subcontracting opportunities associated with projects. These meetings are open to all interested parties.

### ***A.3 Studies Conducted which Provide Data Relative to Minority Persons, Neighborhoods, Income Levels, Physical Environments, and Travel Habits***

The agency will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional consideration in accordance with applicable Title VI and Environmental Justice provisions. (Agency Name) unincorporated areas do not typically require substantial analysis to determine that the potentially affected areas do not meet thresholds for consideration as low-income or minority communities. However, (Specific Project name if applicable), does require such analysis.

### ***A.4 Hearings Held During the Report Period and Efforts Utilized to Ensure Citizen Participation, Particularly Minorities, and Women—the Number of these Individuals and the Capacity of their Participation***

No hearings were conducted in FFY 2004. There were seven (7) community advisory group meetings and one other public meeting conducted.

(Agency Name) continues to use the Washington State Department of Transportation (WSDOT) form for collecting data on public hearing and public meeting attendees for Title VI reporting requirements, per Title 23, Code of Federal Regulations, Part 200.9(b)(4). See Appendix \_\_ for a copy of the form used by (Agency Name) at its public meetings. Appendix \_\_ summarizes the forms collected during FFY 2004.

## **B. Location**

(Agency Name) emphasis over the past several years has been the improvement of existing Rights-of-Way and corridors. There has been no activity in the (Agency Name)'s Location Program. When future corridors are considered, the Location Program will be one of the tools used by the (Agency Name) to help determine their feasibility.

### ***B.1 Number of Complaints Filed***

None during this report period.

### ***B.2 Identification of Titles, Ethnicity and Gender of Employees in the Location Program***

Not applicable this reporting period. Agency Name currently has no staff assigned to location duties since there has been no activity in that area.



**B.3 Number of Environmental Impact Statements Reviewed During the Report Period, Including a Summary of Comments on EIS Where Minority, Handicapped, Elderly, etc. Communities were Adversely Impacted**

None during this report period.

**B.4 Number of Consultants Contracts Involving Project Development Activities**

None during this report period.

**B.5 Number of Public Hearings Held During the Report Period Concerning Location of a Project, including How the Hearings Were Advertised and Notification to Minorities**

None during this report period.

**B.6 Encouragement of Minority Leaders to Provide Suggestions and Ask Questions on Location of Highways**

Not applicable during this report period. No new highways were located during this report period.

**B.7 Need to Use Bilingual Advertisements, Announcements, Notices, etc. During the Report Period**

None during this report period.

**C. Design**

Design activities are performed by (fill in appropriate information about your design process.

**C.1 Number of Consulting Firms with Design Contracts, including the Number of these Contracts Held by Minority Firms and Women-Owned Firms/ Dollar Value**

For FFY 2004, twenty-three consulting firms were engaged in design contracts. For reporting purposes, work order and task order contracts that have multiple awards are considered contracts awarded. The accompanying tables summarize the number of contracts awarded, including work order and task order contracts, and the sum of those contract awards by prime and sub-consultant.

Table V.C.1. provides the number of contracts and total dollar value awarded to minority firms and women-owned firms as prime consultants with design contracts.

Table V.C.1. - Design Contracts-Prime				
Name of Firm	Certification Status	Ethnicity	# Contracts Awarded (includes work and task numbers)	Sum of Contract Awards (rounded to nearest thousand)

**Table V.C.2.** below contains information on the number of minority firms and women-owned firms who currently have subcontracts, their certification status, ethnicity, and sum of contract awarded dollar value.

<b>Table V.C.2. – Minority, Women-Owned Firms with Consultant Subcontracts</b>				
Name of Firm	Certification Status	Ethnicity	# Contracts Awarded (includes work and task numbers)	Sum of Contract Awards (rounded to nearest thousand)

### **C.2. Efforts to Increase Minority and Female Participation in Obtaining Consultant Contracts**

- **Procurement Information System.** (Agency Name) requests Letters of Interest, Statement of Qualifications and Proposals from all firms qualified and interested in providing professional services for contracts awarded by the (Agency Name). (Agency Name) posts information on current Requests for Proposals on its Internet Website. Proposals identify the types of sub consulting opportunities that may be available on the project for informational purposes.
- **Advertisement in local papers and Agency Procurement Website.** (Agency Name) advertises Requests for Proposals for consulting services in local papers and on its Procurement Website. The scope, size and duration of these contracts vary in size to promote diversity in the number and size of firms competing for these awards. Some contracts are for complete design services on a single project. Others may be for environmental reviews, traffic analysis, mediators or a wide range of professional services. (Agency Name) solicits some small A&E contracts (under \$150K) from Consultants using its A & E Roster.
- **Advance Information on Upcoming Contract Opportunities.** During Federal Fiscal Year 2004, (Agency Name) efforts to use minority and female consultants included providing advance information on upcoming contract opportunities to DBE's to include small, minority and women-owned businesses.

Describe Agency involvement in this area.

- **Newsletter Distribution.** Describe activities that may pertain to this type of information.
- **Grassroots Level Outreach Efforts.** Describe any activities that your agency has conducted in this arena.
- **Office of Business Relations & Economic Development.** Describe any activity this type of division may undertake in your community.
- **Collaboration with other Local Governments.** Description of activity.

### **C.3 Public Hearings Held During the Design Phase of any Highway**

Description of any activity in this area.

### **C.4 Employees in the Design Program Area, including Ethnicity and Sex, including Efforts to Increase Minority and Female Representation Where \_\_\_\_\_ (low, high?)**

See Appendix \_\_ for information on employees.

During this report period, recruitment staff in the Design area actively participated in the following job fairs and forums: List participation if relevant.

### **C.5 Complaints Filed in the Design Program Area**

None during this report period.

### **C.6 Significant Problem Areas, Accomplishments, and Actions to Take During the Ensuing Year.**

No significant problem areas were identified during this report period.

## **D. Environmental Unit**

The Environmental Unit of the (Agency Name) works to ensure the promotion of environmental integrity in the design, construction and maintenance of transportation systems that serve the needs of the Agency's various communities. This section responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that projects undertaken by (Agency Name) meet these provisions, as required by Washington State and the Federal Government.

During FFY 2004, the (Agency Name, Division, Section) conducted \_\_\_\_\_ ( ) NEPA and \_\_\_\_\_ ( ) SEPA environmental reviews. The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities. During FYE 2003 staff from (Agency Name) and WSDOT completed the technical studies pertaining to socio-economic impacts and Title VI/Environmental Justice considerations. The results from those studies have been incorporated into the draft review versions of the Draft EIS. Those initial drafts have been revised to clarify Title VI/Environmental Justice information and address specific comments from WSDOT. Following its approval by WSDOT and FHWA, (Agency Name) anticipates issuing the Draft EIS in 2005.

See Appendix \_\_\_ for the list of names for each project that was subject to an environmental review during FY 2004. A copy of the SEPA exemption determination and determination of non-significance is included for each project.

**E. Real Estate Services (Right of Way)**

Describe your Agency Real Estate Services Responsibility in the Title VI Plan.

The property acquisition process follows the WSDOT Right of Way Manual and all applicable laws and regulations, including Title VI and Section 504. The acquisition process includes appraisal of property, negotiation of terms and conditions for acquisition, and relocation assistance, as well as property management.

**E.1 Civil Rights Complaints in the following Real Estate Services (Right of Way) Areas:**

**E.1.a. Appraisals** – None during this report period.

**E.1.b. Negotiations** – None during this report period.

**E.1.c. Relocation Assistance and Payments** – None during this report period.

**E.1.d. Property Management** – None during this report period.

**E.2 Number of Appraisers Utilized During the Reporting Period**

During FFY 2004, four appraisers were utilized, two females, two males and no minorities. The appraisers are (Firm Name or Agency Name) employees. Decisions to obtain new appraisers are based on need and vacancies. There are no vacancies at this time. There were no contracts for appraisers during this reporting period.

**E.3 Number of Negotiations During the Report Period and Disparity in Contract Negotiations between Minorities and Non-minorities**

There were \_\_ negotiations during this report period. No disparity in contract negotiations was noted.

**E.4 Concerns Raised by Minorities or Women Regarding their Options in the Negotiation Phase**

None during this report period. .

**E.5 Number of Relocations During the Report Period**

There were no relocations during FFY 2004.

**E.6 Concerns Raised by Minorities or Women on Replacement Housing, Referral Housing and Advisory Services**

None.

### ***E.7 Opportunities for Minorities and Women to Obtain Contracts Awarded for Providing Relocation Assistance***

In-house relocation assistance services are conducted according to the rules guidelines of the federal Uniform Relocation Act (CFR24), RCW 8.26, and the WSDOT relocation manual and LAG agreement. Staff attend project open houses to present relocation services and benefits, and later meet individually with affected relocatees to negotiate and finalize benefit awards.

## **F. Construction and Maintenance Services**

The Construction Services Group provides guidance and oversight for the administration of transportation construction projects. The (Agency Name) Road Maintenance Operations Section is responsible for the preservation and upkeep of roads and bridges.

### ***F.1 Civil Right Complaints Involving Competitive Bidding Procedures***

There were no complaints involving competitive bidding procedures during the reporting period.

### ***F.2 Summary of Efforts Made by the Title VI Coordinator to Encourage the Use of Minority Individuals, Firms or Agencies to Obtain Maintenance Agreements or Contracts***

Summarize your Agency's effort in this area.

### ***F.3 Procedures Reviewed to Assure Subcontract Agreements, First and Second Tier, Material Supply and Equipment Lease Agreements During the Report Period***

Description of your Agency procedures.

### ***F.4 Significant Accomplishments and/or Action Items for the Ensuing Year***

Continue monitoring disadvantaged, minority, women, and small business participation in (Agency Name) Road construction contracting.

## **G. Education and Training**

### ***G.1 During the Reporting Period, Efforts Made to Encourage Participation by Minorities and Women in the NHI's Educational Program***

Description of this activity, if applicable

### ***G.2 Types of NHI Sponsored Programs and Number of (Agency Name) Participants, Including Minorities and Women***

Description of activity in this area by your Agency.

**G.3 Identify Staff Responsible for Training by Job Title, Ethnicity and Gender**

Staff within (Agency Name) Office of Civil Rights ((AGENCY NAME)) provides guidance to departments on their responsibilities and reporting requirements for Title VI.

**Table V.G.1** below shows staff responsible for Title VI training to departments by job title, ethnicity, and gender.

<b>TABLE V.G.1</b>			
<b>Title VI Training Staff within the Office of the Title VI Coordinator</b>			
<b>Name</b>	<b>Job Title</b>	<b>Ethnicity</b>	<b>Gender</b>
	Title VI Coordinator	Caucasian	Female
	Civil Rights Specialist	African-American	Male

**G.4 Civil Rights Complaints Filed Concerning Training and Educational Opportunities and any Corrective Actions Taken**

No complaints were filed during this reporting period.

**H. Administration****H.1 List of Employees by Ethnicity and Gender in each of the Title VI Program Areas.**

Please refer Appendix \_\_ for a summarization of the ethnicity and gender of employees in the respective program areas.

**H.2 Summarize all Activities Undertaken During the Reporting Period which Provide for Assurances of Title VI Compliance with Contractors, and by Contractors (i.e. are Title VI compliance included in all contracts and consultant agreements; were reviews made to ensure contractors and consultants are adhering to Title VI requirements; are contractors and/or consultants appraised of Title VI implications and issues, etc.)?**

The following is a summary of activities undertaken during the reporting period that provide for assurances of Title VI compliance with contractors, and by contractors.

- ❖ ***Title VI Training***
- ❖ ***Dissemination of (Agency Name) Title VI Policy Statement***

(Agency Name) Title VI Policy Statement is included in a post award packet of informational materials that the Agency Name sends to prime contractors. The post award packet includes information on the (Agency Name) reporting requirements and is sent to all prime contractors for each contract that has been publicly bid and advertised.

❖ **Title VI Provisions in all (Agency Name) Federally Funded Contracts**

All federally funded contracts administered by (Agency Name) contain Title VI provisions (FHWA form 1273).

❖ **Analysis Worksheet Reviews for All Advertised Construction Bids and Proposals**

SAMPLE: “Contract Compliance Specialists located in the Business Development and Contract Compliance Office receive and review Subcontracting/Apprenticeship Availability Analysis Worksheets for projects advertised for construction bids. The worksheet identifies the specific scopes of work, if any, which may be available for performance by subcontractors. Specifications (FHWA form 1273) defining Title VI requirements are included in the contract documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the contractor. (Contract documents also include GSP 01-07.11 language relating to the Requirements for Non-discrimination.) Goals are established for the participation of Disadvantaged Business Enterprises, where applicable.”

❖ **Public Pre-proposal Meetings**

No public pre-proposal meetings were held during this reporting period.

❖ **Inclusion of Goals on Federally-Assisted Contracts**

Staff in the (Section of your Agency) review federally assisted contracts for DBE goals.

❖ **Non-discrimination Provisions in Contracts**

All (Agency Name) contracts, including federally assisted contracts, contain non-discrimination provisions to ensure and heighten awareness that (Agency Name) will not tolerate discriminatory practices.

**H. 3 Title VI Training During the Period**

Table V.H.3. lists the FFY 2004 Title VI training/meetings and attendees

Table V. H.3. Title VI Trainings/Meetings		
Date	Type of Training	Audience

**Appendices**

**Appendix A**

**Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement**

Title VI of the Civil Rights Act of 1964 requires (Agency Name) to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. (Agency Name) collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

(Agency Name) wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in (Agency Name) Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at \_\_\_\_\_ or e-mail at \_\_\_\_\_.

Please respond to the following questions:

Project name:		Date:
Meeting location:		
Name (please print):		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one):		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/ Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other _____
Color:	National Origin:	

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!



## Appendix B

The following table summarizes staff gender and race by the respective program areas.

Special Emphasis Area	Race	Gender	
		Female	Male
Design	Asian	15	17
	Black	3	1
	Caucasian	13	42
	Filipino	1	2
	Hispanic	2	2
	Other	1	
Design Total		35	64
Environmental Services Unit	Black	2	
	Caucasian	9	5
	Hispanic		1
Environmental Services Unit Total		11	6
Planning	Asian	2	5
	Black		1
	Caucasian	6	10
Planning Total		8	16
Construction & Maintenance Services	Asian	2	6
	Black		2
	Caucasian	6	12
Construction & Maintenance Services Total		8	20
Grand Total		62	106

**Appendix C****STATE ENVIRONMENTAL PROJECT ASSESSMENTS (SEPA) EXEMPTION DETERMINATIONS AND DETERMINATIONS OF NON-SIGNIFICANCE**

<b>Project Number</b>	<b>Project Name</b>	<b>NEPA/SEPA Type*</b>
		SCE
		SCE
		SCE/NCE
		SCE/NCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE
		SCE/NCE
		ECL/NCE
		SCE
		SCE/NCE
		SCE
		SCE

**\*Type: NCE=NEPA Categorical Exclusion; EA=Environmental Assessment;  
NEIS=NEPA Environmental Impact Statement; SCE=SEPA Categorical Exemption;  
ECL=Environmental Checklist; SEIS=SEPA Environmental Impact Statement**

## Appendix D

### (AGENCY NAME) TITLE VI IMPLEMENTATION PLAN Revised September 2004

#### 1. Internal Dissemination

**Goal:** To complete internal dissemination of (Agency Name)'s revised Title VI Plan and FFY 2004 Title VI Update Report before December 1, 2004.

(Agency Name)'s Title VI Coordinator has distributed copies of its original Title VI Plan and assurances to Agency departments, (Agency Name) Council, (Agency Name) Civil Rights Commission, Department of Transportation Division Managers and the Office of the Prosecuting Attorney. Such distribution occurred on or before December 2000. The updated Plan dated September 2002 was disseminated in December 2002. The Plan as revised in 2004, along with the FFY 2004 Title VI Update Report will be circulated by December 1, 2004.

The Title VI Specialist and Special Emphasis Area Liaisons (as defined in the plan) received copies of the original plan and will receive copies of the updates promptly for incorporation into operational manuals, guidelines, and procedures.

#### 2. External Dissemination

**Goal:** Public notification of (Agency Name)'s Title VI Plan will be on going.

- A. (Agency Name) will publicize (Agency Name)'s policy statement, as included in the Title VI Plan, in local minority and community-based newspapers. The (Agency Name)'s Title VI Plan will be made available to the public upon request. Additionally, the (Agency Name) Title VI Policy Statement and Complaint procedure may be found on the internet at [http://www.\\_\\_\\_\\_\\_](http://www._____)
- B. The (Agency Name) will continue to distribute copies of the Title VI Plan to contractor organizations upon request. Additionally, the (Agency Name) will make copies of the plan available to all prime contractors, subcontractors, consultants and suppliers currently participating on (Agency Name) public works projects receiving federal financial aid upon request. The (Agency Name) will also make copies available to other firms providing goods and services to (Agency Name) upon their request.
- C. The (Agency Name) will include the appropriate Title VI nondiscrimination language and any implementing requirements FHWA may issue in all solicitations for competitive bidding or negotiated procurements with federal aid for construction, professional services and purchase of materials or equipment.

### 3. Training

**Goal:** To ensure that (Agency Name) employees involved in the project management and the contracting practice are knowledgeable on potential Title VI issues (ongoing).

A. Title VI Specialists and Liaisons are strongly encouraged to participate in training programs and workshops offered through Washington State Department of Transportation and others. Additionally, the Title VI Coordinator, in communicating with the Title VI Liaisons and Specialists, informs (Agency Name) employees of any new training opportunities upon notification from other external agencies.

B. Additionally, Staff in conjunction with staff in the (Agency Name) Department of Transportation, Road Division, will continue to develop new training for (Agency Name) staff.

C. The (Agency Name)'s Title VI Coordinator shall oversee training to include staff involved in (Agency Name)'s contracting processes. The Title VI Specialist will conduct the training. Training will occur throughout the year and will be specific to the Road Services and Contracting Divisions of (Agency Name) initially. This training will include information on:

- The role of \_\_\_ as the Title VI Coordinating agency
- Technical Assistance on Title VI matters
- Title VI reviews of program areas
- Procedures for the prompt processing of complaints of discrimination
- The necessity of updating the Title VI Plan to reflect organizational policy or implementation changes

The (Agency Name)'s Title VI Coordinator will request Department Directors and Managers to inform employees of new training opportunities upon notification from the Coordinator's office. Such opportunities may include courses offered by WSDOT, as well as from other outside agencies.

D. The (Agency Name) will provide a training schedule to the Washington State Department of Transportation's Office of Equal Opportunity Title VI Coordinator.

E. The (Agency Name)'s Title VI Coordinator shall maintain information gathered from training records for inclusion in annual report updates.

### 4. Information Collection for Annual Updates

**Goal:** To establish and implement processes and procedures for collection of information required for inclusion in annual update report.

- A. The Title VI Specialist and Liaisons will assist the Title VI Coordinator in gathering and maintaining information on specific program areas and affected (Agency Name) departments.
- B. (AGENCY NAME) will work with Liaisons and a designated Data Coordinator to collect and report on the information required by WSDOT for the Title VI Annual Update.
- C. Information for reports will be obtained from sources such as on-site compliance reviews (internal and external), checklists, review guides, questionnaires, public meeting sign in sheets, personnel inventory and employment utilization forms and inquires from the public. The Office of the Title VI Coordinator will compile this information for inclusion in the annual update reports as required.

**5. Complaint Resolution**

**Goal:** To ensure that complaints are resolved in a professional and timely manner.

The (Agency Name)'s Title VI Coordinator will investigate all complaints of Title VI violations as appropriate. The (Agency Name) will use procedures outlined in the Title VI Plan to investigate such complaints. The objective of the investigation will be to determine whether prohibited discrimination has occurred or could occur, and to take steps to remedy the situation. To accomplish this, the Title VI Coordinator shall coordinate the following:

- A. Identification of the basis for the complaint;
- B. Identification of sources of information;
- C. Fact finding interviews with aggrieved persons, witnesses and the alleged violator;
- D. Development of a statement of finding-of-facts and information relevant to the issue/basis for the complaint;
- E. Informal dispute resolution;
- F. Report of findings in a manner that includes a conclusion and determination of future actions to take; and
- G. Provision for possible appeal of the decision to the FHWA.

The (Agency Name)'s Title VI Coordinator will consult with WSDOT before commencing investigations to determine which agency should properly investigate.

**6. Annual Title VI Update Report**

**Goal:** To provide detailed information on activities performed in implementing (Agency Name)'s Title VI Plan and to document accomplishments.

The Annual Title VI Update Report will include detailed information regarding the implementation activities related to (Agency Name)'s Title VI Plan and the (Agency Name)'s accomplishments. Specific areas that will be covered in the Annual Report include, but may not be limited to the following:

- A. Organization and Staff Profile
- B. Title VI Monitoring and Review Process
- C. Complaints and Investigations
- D. Special Emphasis Program Area Activities and Accomplishments
- E. Title VI Administration
- F. Training
- H. Accomplishments Report for Current Year

## Appendix E

### ***(Agency Name) Title VI Policy Statement***

(Agency Name) assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Washington State Department of Transportation.

(Agency Name) further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event (Agency Name) distributes federal aid funds to another governmental entity or other sub-recipient, (Agency Name) will include Title VI language in all written agreements and will monitor for compliance.

(Agency Name)'s Office of the Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other (Agency Name) responsibilities as required by 23 CFR 200 and 49 CFR 21.

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(Agency Name) Executive)

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Date

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**Appendix F****TITLE VI FORMS**

(Agency Name) provides Title VI forms to participants at public meetings (See Appendix A). In 2004 two forms were completed and turned in by participants.

Title VI Public Involvement forms were made available at the \_\_\_\_\_  
(Fill in appropriate information.)

Title VI Public Involvement forms were made available at the Sth Park Bridge EIS Community Advisory Group meetings on April 6, April 20, and May 4, 2004 at the Concord Elementary School Library, 723 S. Concord Street in Seattle, but no forms were submitted.

Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

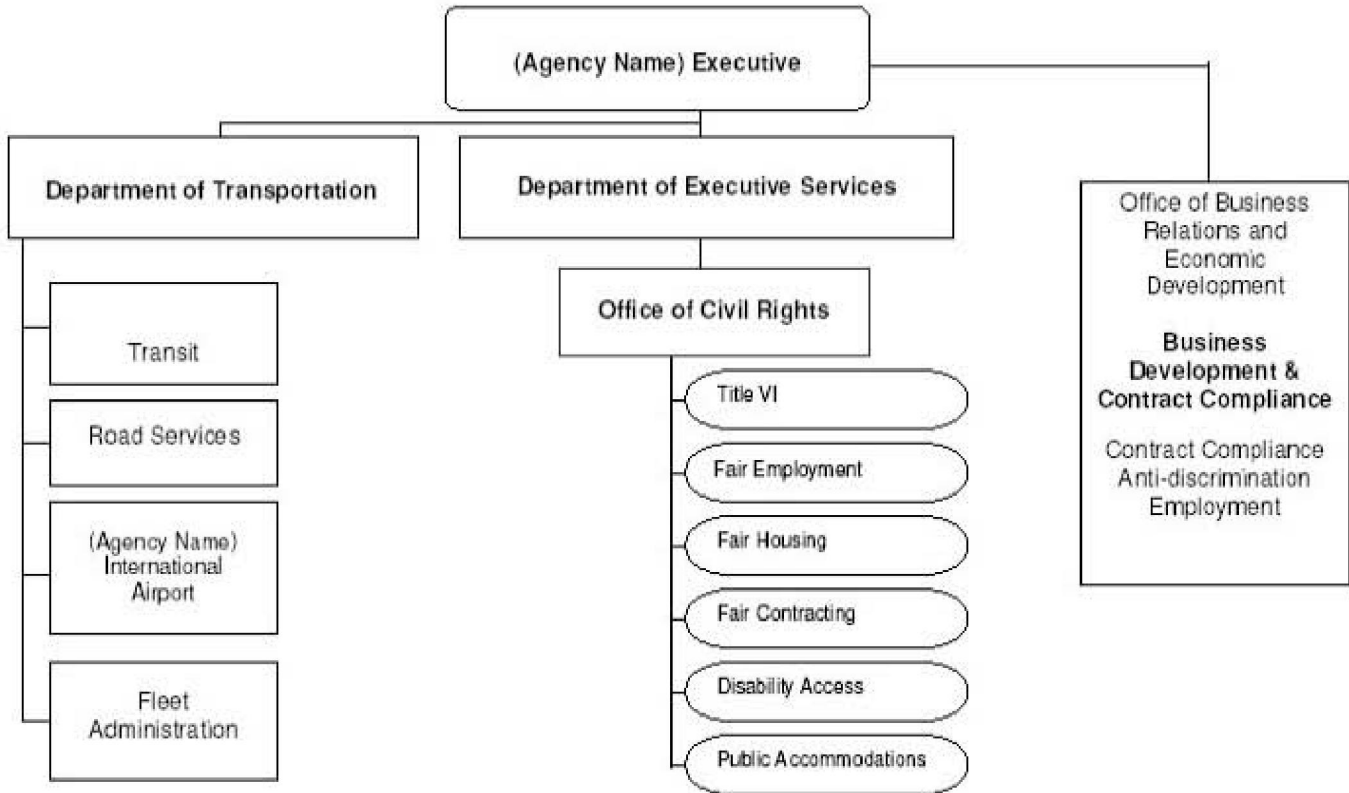
Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

These forms are kept on file in the (Section of your Agency) and in the Office of the Title VI Coordinator.



### Appendix G

#### SAMPLE Organizational Chart



**Appendix 28.76****Sample NDA Annual Report  
Population Under 100,000**

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1. Report any changes in the organizational structure since the last reporting period.

Example: New Title VI Coordinator, new planning or public works directors etc.

- Report should identify the changes in the racial/gender composition of those persons involved in the transportation decision making, including planning and advisory staff.
  - If no changes have been made, please indicate that accordingly.
2. Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.
    - a. Describe any required Title VI activities and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.
    - b. How was the information utilized or Title VI provisions and needs applied in each study or activity?
  3. List any Public outreach activities during the reporting period such as: Public announcements and/or communications for meetings, hearings, project notices.
 

Include the following:

    - a. How were special language needs assessed? List the special language needs assessments conducted.
    - b. What outreach efforts did you utilize to ensure that minority, women, low-income, and LEP population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided materials in other languages, met with local social services agencies, advertised in a minority publications)
    - c. List the special language services provided – note the professional language service provided including the name of the service, date provided, number of persons served, and any other relevant information.
    - d. List any costs incurred for translations and interpreters for each activity.

4. List all the transportation related contracts, (Federal and others), that were executed during the reporting period. (Please include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.)
  - Include dollar value of each
  - Other than advertising in your local legal publication, what outreach was made to the DMWBE firms that a contracting opportunity existed within your agency?
  - Identify the DMWBE contracts that were awarded and their dollar amount.
  - Is there a Title VI Non-Discrimination statement included in all contracts & public notices?
  - How did your organization ensure that minority, women and disadvantaged firms were provided equal opportunity to participate in the contracting arena?
5. Summarize any transportation projects that identify potential impacts to minority and/or low-income Environmental Justice (EJ) populations i.e. impacts such as displacements, increased noise, bisecting neighborhoods, et al). Note the following:
  - How impacts were minimized/mitigated.
  - Also include a statement, if applicable, on projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.
6. If ROW has been acquired for a transportation project, please describe:
  - Identify the number of minority, low-income, elderly and disabled persons affected
  - The efforts that were made to address Limited English Proficiency issues (including use and cost of translators, outreach efforts for each reported activity)
  - Describe any concerns raised by minorities and women regarding appraisals, negotiations, relocation assistance and payments. What actions were taken to resolve those issues?
7. List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:
 

What was the allegation or concern?

  - Procedures used
  - Action taken
  - Resolution

**Appendix 28.77**

**Title VI Complaint Log**

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<b>Case Number</b>	<b>Complainant/ Address</b>	<b>Filing Date</b>	<b>Basis</b>	<b>Status</b>	<b>Disposition</b>

