



TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: Refer to Section 28.3 for scheduled reporting period and due date

Contact Information

Name and title of administrator (signature on Standard Assurances): Scott Larson, City Administrator

Mailing Address: P.O. Box 489

City: Orting WA Zip Code: 98360 County: Pierce

Phone #: 360 893 9000 email address: slarson@cityoforting.org

Name and title of head of transportation-related services: John Bielka, Capital Project Manager

Mailing Address: P.O. Box 489

City: Orting WA Zip Code: 98360 County: Pierce

Phone #: 360 706 7206 email address: jbielka@cityoforting.org

Name and title of designated Title VI coordinator*: John Bielka, Acting Public Works Director

Mailing Address: P.O. Box 489

City: Orting WA Zip Code: 98360 County: Pierce

Phone #: 360 706 7206 email address: jbielka@cityoforting.org

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

Accomplishments

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If Yes, please submit an update to the Title VI Plan with a new signature.

No changes have been made to the approved Title VI Plan.

2. Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual. Include the same details if your LPA has a volunteer or appointed board related to transportation decision making.

John Bielka, Capital Project Manager, is the Title VI Coordinator. Mr. Bielka is currently responsible for delivering and managing all transportation related services for the City. Mr. Bielka reports to Mr.

Larson, the City Administrator. City staff who participate in transportation services for the City are outlined in the Table below. Organizational structure is depicted in Figure 1.

Title VI – Transportation Related Service				
Name	Title	Gender	Ethnicity	Nat Origin
Josh Penner	Mayor	Male	Caucasian	USA
Scott Larson	City Administrator	Male	Caucasian	USA
Marshall Maurer	Public Works Director	Male	Caucasian	USA
John Bielka	Capital Project Manager	Male	Caucasian	German

- Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.

The City has a land area of 2.80 square miles (Figure 2). According to the 2022 U.S. Census Bureau (<https://www.census.gov/quickfacts/fact/table/ortingcitywashington/PST045222>):

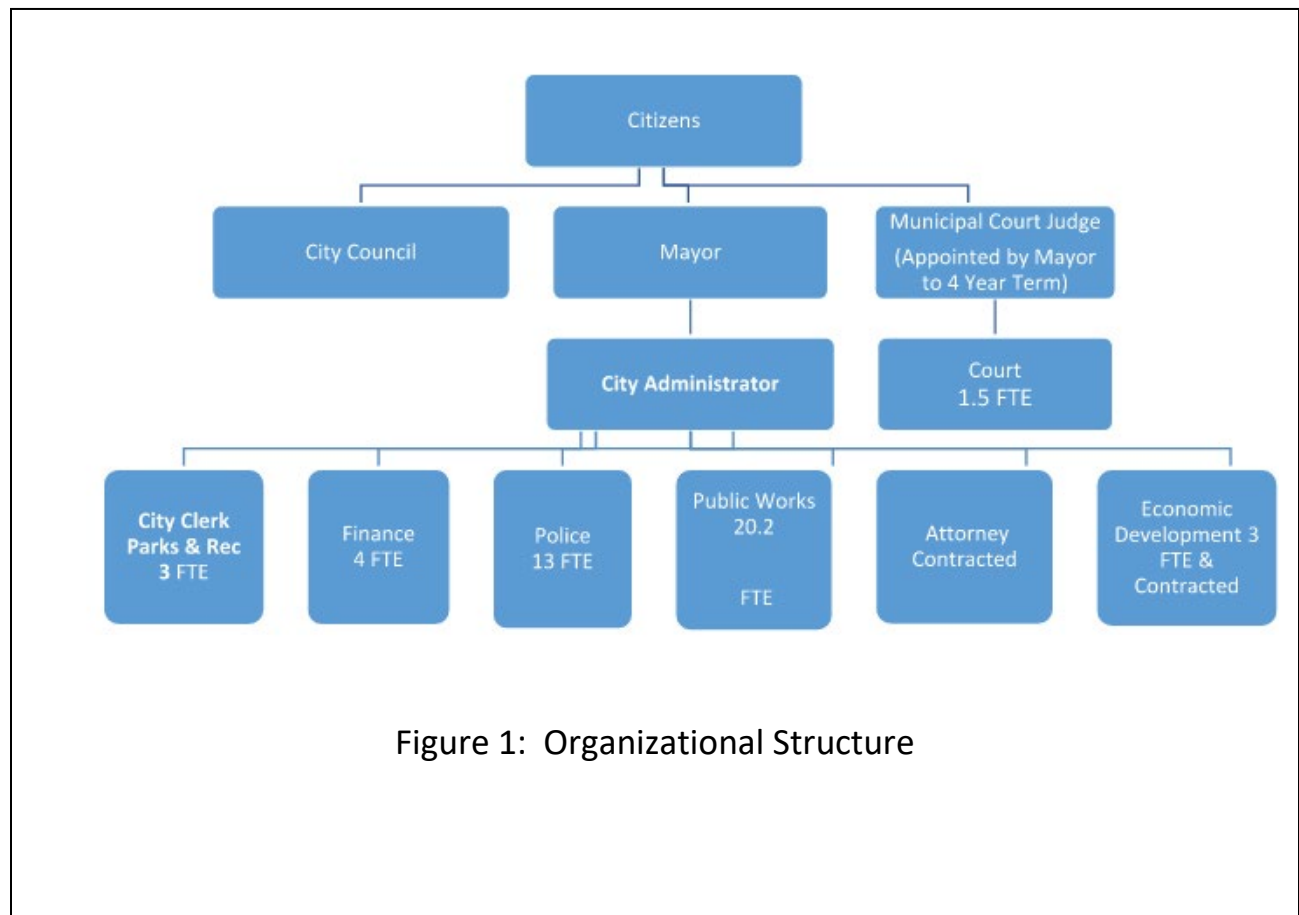


Figure 1: Organizational Structure

- The population of Orting Washington was 8,954 in 2022.
- The Median Household Income in 2021 dollar value for the City of Orting was \$97,614.
- Bachelor degree or higher was 18.9%.
- The population consists of 84.6% white, 7.6% Hispanic or Latino, 9.2% two or more races, 2.7% American Indian and Alaska Native, 2.7% Asian, and 0.4% black.

According to data.census.gov Languages spoken at home:

- English only 92.5%
- Spanish 4.2%
- Other Indo-European Languages 1.7%
- Asian and Pacific Islander languages 1.6%
- Other languages 0.0%

4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

The City received no complaints during this reporting period. Sample complaint log is included in Appendix B. The complaint form can also be found on the City of Orting Website ([Title VI | City of Orting](#)).

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

The City Council approved the Six-Year Transportation Improvement Plan (TIP). To engage the community on several of these projects, outreach efforts were undertaken through the City’s website, council sessions, park events, and social media platforms. The city set up booths at various events, including Red Hat Day, Home for the Holidays, and Touch a Truck. Council sessions are accessible both in-person and online.

To foster community participation, the City offers public meetings, shares information on its website, and facilitates Zoom video conferences. These platforms, intended to enlighten the public and bolster community engagement, cater to both ongoing and completed projects. To ensure inclusivity, the City collaborates with LanguageLine Solutions, which provides translation services for minority communities.

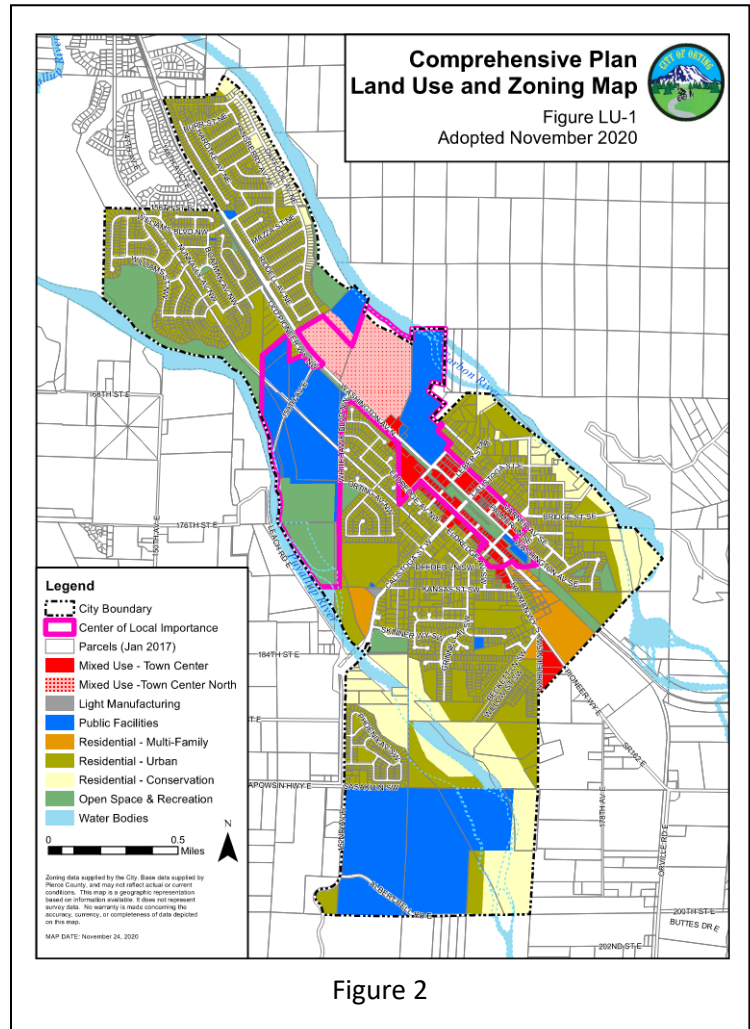


Figure 2

Summaries of large transportation projects, in the TIP, can be found on the City's website ([City of Orting | Home](#)) under project updates. Projects include:

a. HWY 162 Pedestrian Bridge Project

A new pedestrian bridge (Figure 4) is to be constructed near Rocky Road Northeast in Orting, about 20 miles east of Tacoma. The bridge will help children and community members cross over state Route 162 safely and would play a role in the city's evacuation route if a major lahar or flooding event was to occur. The bridge will start from the Foothills Trail and end near Rocky Road.



Figure 4: HWY 162 Pedestrian Bridge

100% of the design work was completed during this reporting period. The city is expected to go to bid mid-November 2023.

b. White Hawk Boulevard Extension Plan

This project will construct a new connector roadway, extending Whitehawk Boulevard NW (Figure 5). The roadway includes the extension of Whitehawk Boulevard NW from the intersection of Whitehawk Blvd NW/Orting Avenue NW to the intersection of Calistoga St W/Kansas Street SW. New roadway is a single, asphalt-paved travel lane in each direction, curb and gutter, planter strips, and sidewalks on one side with a shared use path on the other side along the length of the roadway. The project includes water, sewer, stormwater facilities and mitigation, wetland mitigation facilities offsite, flood compensatory storage, and permitting. Single lane roundabouts will be constructed at the intersections of SR 162/Whitehawk Boulevard NW and Whitehawk Boulevard NW/Calistoga St W/Kansas St SW which are the project termini. This



Figure 5: Whitehawk Boulevard Extension

project is in the design phase. Request for formal consultation with US Fish and Wildlife services has been initiated. There has been no determination when this project will go to bid.

c. Kansas Street Reconstruction

The City of Orting is currently at 90% design for improvements along Kansas Street, between Coe Lane SW and Harman Way S to provide safer and more robust roadway system for its residents. Construction start date is dependent on funding. Improvements will include:

- Wider raised sidewalks that will provide a safe and continuous walking environment where it was previously lacking.
- In addition to the new raised sidewalks, this project will upgrade existing crosswalks to high visibility crossings with wheelchair ramps, and will install enhanced street lighting at intersections.
- Improved paved parking areas will enhance safety and comfort for local home owners and reduce parking strip maintenance.
- Reconstruction of the road system will reduce noise and vibrations to the surrounding homes.
- Upgraded water main and storm water facilities will improve long term reliability of utilities for the neighborhood.

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

No offers for right of ways were made during this reporting period.

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

No appraisers were used during this reporting period.

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

Parks Master plan, ADA Transition Plan and Pavement Management Plan were completed during the last year. Summary of the plans are detailed below.

Parks Master Plan:

In August of 2022 the City of Orting (City) contracted with MacLeod Reckord, PLLC, to develop a master plan for Orting's Main Parks, an area comprised of four non-contiguous sections of land totaling approximately 18.6 acres. The Parks are in the city center and are generally parallel to Washington Avenue / SR 162 to the east and Van Scoyoc Avenue to the west. The Foothills Trail, a regional shared use path, traverses all sections. The Main Parks Master Plan is intended to serve as the Land Use Development Plan for Orting Main Parks and will be complementary to the City's 2021 Parks Trails and Open Space Plan. Additional information can be found on the city website ([Main Parks Master Plan | City of Orting \(govaccess.org\)](https://www.orting.gov/access))

ADA Transition Plan

The City of Orting is dedicated to ensuring that all residents have equal access to its programs, services, and activities. In line with this commitment, the city initiated an ADA transition plan, centering its efforts on Title II, which pertains to Public Services. This title mandates that state and local governments cannot discriminate against individuals with disabilities, nor can they deny them the benefits of programs, services, or activities. Furthermore, Title II requires that public entities assess their services, programs, policies, and practices to ensure they adhere to the ADA's nondiscrimination standards.

In adherence to this directive, the CITY initiated an assessment of its facilities located within the right of way. As this plan nears completion, the gathered data is under review. Subsequently, a Program Access Plan will be formulated. This plan will pinpoint facilities that don't meet ADA accessibility standards, suggest methods to bring them into compliance, and outline a timeline for addressing these non-compliant facilities.

Pavement Management Plan

The City engaged SCJ Alliance to undertake a street condition evaluation plan. This project's primary aim was to gather pavement condition data for all municipal streets. This data would then inform the creation of a continuous maintenance program, ensuring the city's roads remain in top condition. A significant aspect of the City's Capital Improvement Programs is maintenance efforts tailored to maintain optimal street conditions and enhance roads with deteriorating pavement that could require extensive repairs in the future. Annually, the City aims to carry out diverse maintenance tasks on both arterial and residential roads

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects' benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.

During the reported period, no significant construction initiatives were launched. However, designs were completed or refined for a) a pedestrian bridge, b) a stormwater outfall, c) an upgrade to the wastewater treatment plant, d) the construction of a new connector roadway (Whitehawk), and e) the reconstruction of Kansas Street. There was no evaluation done regarding the advantages or disadvantages for the populations impacted.

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

As previously mentioned, project discussions comprise open houses, more structured council deliberations about the Six Year TIP, and staff attendance at major City events. Furthermore, the city maintains other communication channels, including the city website and social media platforms like Facebook.

The council convenes routinely on the second and last Wednesday of every month at 7:00 pm. Study sessions take place on the third Wednesday of each month. Transportation-related topics discussed during the reported period at Council meetings include:

- Kansas St. Design,

- Evacuation Bridge/Pedestrian Bridge,
- Whitehawk Boulevard extension,
- ADA Transition plan, and
- Street condition assessment and maintenance plan
- Parks Master plan.

Historical minutes of council meetings at <https://www.cityoforting.org/government/city-council/council-packets-minutes> . Meetings can be viewed later at <https://www.cityoforting.org/government/city-council/video-archive>

Scott Larson, the City Administrator, along with Gretchen Russo (Finance Director), John Bielka, and other staff, conducted public outreach for the Parks Master Plan. These efforts took place at local venues such as the farmers market, the Orting Rock festival, and the Touch a Truck event in July 2022. A sign indicating the upcoming construction of the pedestrian bridge has been placed at the prospective location on 162. Documentation for all these projects can be found within the city council minutes on the City of Orting’s website (<https://www.cityoforting.org/government/city-council/council-packets-minutes>). In certain cases, city staff have visited residents directly, keeping them updated about impending projects, like the Kansas Street reconstruction. Residents have been briefed on how these projects might impact their properties and what they can anticipate in the subsequent months.

The city presents project details, including renderings, sketches, and construction photos, during open houses, events, and council meetings.

Identify members of the LPA’s transportation planning and/or advisory groups by race, color, and national origin

The City of Orting's Council is made up of seven members: six males and one female, all of Caucasian origin.

Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

N/A

List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

LanguageLine Solutions is contracted with the City’s Prosecutor and Judge for use during court proceedings.

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

Bidding and Consultant Request for Qualifications (RFQ) opportunities are advertised in the Tacoma News Tribune (TNT), and the Daily Journal of Commerce (DJC). The advertisement includes the following nondiscrimination statement:

“The City of Orting, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will

affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

City staff review bid documents prior to recommending an award to verify Contractors have submitted the required paperwork in the City's construction contract specifications. The forms include Proposal, Bond, certification of Equal Opportunity in employment, certify that the contractor is not debarred, suspended or otherwise excluded. Prior to signing the contractor selected must show evidence of commercial liability insurance.

The choice of consultants hinges on their qualifications. In response to the City's RFQ announcement, firms submit a statement of qualifications (SOQ), which city staff then assess. Commonly, these SOQs are ranked based on criteria like the experience of the project manager and the firm as a whole, with the highest-scoring entity usually chosen for the project. Following this, the City performs reference checks, and then engages in negotiations with the consultant about the project scope and fees aligned with the services highlighted in the RFQ.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

The City includes a Title VI statement on federal-aid contracts with consultants and contractors. On public notices for requests for qualifications and bid solicitations, the City includes the following:

"The City of Orting in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 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 26 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."

13. List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).
1. No right of way was acquired during this reporting period.
 2. Consulting Contracts:
 - a. White Hawk Boulevard extension plan. During this reporting period \$35,511 was paid to Parametrix for design work and \$1,501 was paid to SCJ Alliance. Sound Pacific Construction was awarded the contract in the amount of \$451,564.91. Federal aid was obtained in the amount of \$346,000. Sound Construction project is expected to be completed at the end of the first week of September 2023.

- b. Pedestrian Bridge. \$206,438 was paid to Parametrix during this reporting period. Final design has been completed and expectations are that this project will go to bid in the middle of November of 2023. Funding came from WA state.
- c. Waste Water Treatment Plant upgrade – Class A Solids Handling Design: The Orting Wastewater Treatment plant (WWTP) was originally built in 1999 and expanded in 2006. This project will convert bio solids from the City’s treatment plant into dry granular fertilizer. \$63,451 was paid to Parametrix and \$25,635 was paid to SCJ Alliance during this reporting period. All funds were paid by the city.
- d. Kansas Street Outfall. \$46,217 was paid to Parametrix during this period for design work. \$82,662 was paid to Sound Pacific as a first draw for pipe. All funds were paid by the city.
- e. Kansas Street Reconstruction: \$142,073 was paid to Parametrix during this period. This project will reconstruct Kansas Street between Calistoga St. W and Harmon Way S. The project will include roadway improvements, storm drainage improvements, illumination, intersections, water main, sanitary sewer, landscaping as well as environmental documentation and permitting. Environmental reporting will include SEPA, NEPA, noise analysis, hazardous waste assessment, Section 4(f) evaluation and cultural resource assessment. Funds were derived from WA State.
- f. Calistoga St. W Stormwater: The Calistoga Storm water upgrade will update the existing inadequate storm drainage system. Project includes the conveyance system and outfall modification to increase capacity to convey flow rates based on land cover at the time the models were prepared. The project will replace existing storm drainage system that is crushed providing very little conveyance capacity. No funds were paid as the city council has put this project on hold.
- g. ADA transition plan was being conducted over the last year by SCJ Alliance. A total of \$3,944 was spent between June 30, 2022, and July 1 of 2023. The Americans with Disabilities Act (ADA) enacted on July 26, 1990, and as amended, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, telecommunications, transportation, and access to public accommodations. Project was funded by the city.
- h. Pavement assessment was conducted by SCJ Alliance. A total of \$44,836 was spent between June 30, 2022 and July 1, 2023. The pavement maintenance program was developed and adopted by council to maximize the efficiency and value of maintaining the city’s largest and most valuable form of infrastructure, its roadways. Project was funded by the city.
- i. Parks Master Plan was conducted between June 30, 2022 and July 1, 2023. A total of \$43,452 was paid to MacLeod Reckford for the development of the plan. There were multiple opportunities during the planning process for the public to provide comments, both online and in person. In addition, there were several City Council Study Sessions at which the design team presented the status of the project, input from the community, and recorded input and questions from council. Online survey was developed and made available from September 30, 2022, to October 31, 2022. In person public outreach

event was in the park on Red Hat days (October 1, 2022), and information was posted online. The public was provided with the same, or similar, information as presented to the Council on September 21, 2022. The second outreach occurred during Home for the Holidays event on December 3, 2022. City council was engaged during study session on February 15, 2023. On March 1, 2023 there was a follow up meeting with city staff. City Council Study sessions on April 19, 2023 and May 31, 2023 were also conducted. Project was funded by the city.

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

Scott Larson (City Administrator), and John Bielka (Capital Project Manager), have taken the following FHWA Training Video for LPA's:

- a) Title VI/Nondiscrimination: Background and Purpose of Civil Rights Act
- b) Nondiscrimination Assurances (USDOT1050.2A)
- c) Implementation Plan (aka Title VI Plan, Letter of Intent)
- d) Compliance and Enforcement.

The City's Capital Project Manager completed WSDOT's Right of Way (ROW) Verification course, and WSDOT's Admirative settlement course.

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

Goals:

- a) Start on the process of ADA ramp replacements and sidewalk improvements that are currently out of compliance.
- b) Develop public survey form to identify ethnicity of citizens who attend public meetings for capital projects.
- c) Title VI statement and WSDOT annual report and assurances will be added to the City's website
- d) New staff to complete Title VI Training.
- e) Transportation staff and Office staff will take FHWA Training Video for LPA's.
- f) Finalize ADA Transition Plan.

Appendix A

PEOPLE	
Population	
Population Estimates, July 1, 2022, (V2022)	8,954
Population estimates base, April 1, 2020, (V2022)	9,041
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	-1.0%
Population, Census, April 1, 2020	9,041
Population, Census, April 1, 2010	6,746
Age and Sex	
Persons under 5 years, percent	7.1%
Persons under 18 years, percent	24.8%
Persons 65 years and over, percent	10.6%
Female persons, percent	51.7%
Race and Hispanic Origin	
White alone, percent	84.6%
Black or African American alone, percent (a)	0.4%
American Indian and Alaska Native alone, percent (a)	2.7%
Asian alone, percent (a)	2.7%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.0%
Two or More Races, percent	9.2%
Hispanic or Latino, percent (b)	7.6%
White alone, not Hispanic or Latino, percent	79.5%
Population Characteristics	
Veterans, 2017-2021	664
Foreign born persons, percent, 2017-2021	5.0%
Housing	
Housing units, July 1, 2022, (V2022)	X
Owner-occupied housing unit rate, 2017-2021	78.0%
Median value of owner-occupied housing units, 2017-2021	\$336,300
Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,953
Median selected monthly owner costs -without a mortgage, 2017-2021	\$549
Median gross rent, 2017-2021	\$1,936
Building permits, 2022	X
Families & Living Arrangements	
Households, 2017-2021	2,841
Persons per household, 2017-2021	3.06
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	80.7%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	7.5%
Computer and Internet Use	
Households with a computer, percent, 2017-2021	97.8%
Households with a broadband Internet subscription, percent, 2017-2021	94.6%
Education	
High school graduate or higher, percent of persons age 25 years+, 2017-2021	
Bachelor's degree or higher, percent of persons age 25 years+, 2017-2021	

Is this page
 Yes

Health

With a disability, under age 65 years, per

Persons without health insurance, under **Population Estimates, July 1, 2022, (V2022)****Economy**

In civilian labor force, total, percent of population age 16 years+, 2017-2021	68.5%
In civilian labor force, female, percent of population age 16 years+, 2017-2021	65.8%
Total accommodation and food services sales, 2017 (\$1,000) (c)	10,581
Total health care and social assistance receipts/revenue, 2017 (\$1,000) (c)	4,244
Total transportation and warehousing receipts/revenue, 2017 (\$1,000) (c)	NA
Total retail sales, 2017 (\$1,000) (c)	57,214
Total retail sales per capita, 2017 (c)	\$7,165

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2017-2021	41.8
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Income & Poverty

Median household income (in 2021 dollars), 2017-2021	\$97,614
Per capita income in past 12 months (in 2021 dollars), 2017-2021	\$37,385
Persons in poverty, percent	⚠ 6.9%

BUSINESSES**Businesses**

Total employer establishments, 2021	X
Total employment, 2021	X
Total annual payroll, 2021 (\$1,000)	X
Total employment, percent change, 2020-2021	X
Total nonemployer establishments, 2020	X
All employer firms, Reference year 2017	78
Men-owned employer firms, Reference year 2017	S
Women-owned employer firms, Reference year 2017	S
Minority-owned employer firms, Reference year 2017	S
Nonminority-owned employer firms, Reference year 2017	37
Veteran-owned employer firms, Reference year 2017	S
Nonveteran-owned employer firms, Reference year 2017	S

GEOGRAPHY**Geography**

Population per square mile, 2020	3,342.3
Population per square mile, 2010	2,473.0
Land area in square miles, 2020	2.71
Land area in square miles, 2010	2.73
FIPS Code	5352005

Title VI Discrimination Complaint Log

2021/2022								
Date the complaint was filed	Date of alleged discriminatory act(s)	Name of the complainant	Name of respondent (person(s)/business/agency who the complaint is against)	Basis of complaint (protected class: race, color, national origin, sex, age, disability, income status)	Nature of the complaint	Investigated (Y/N)	Investigator (should not be City employee if complaint is against City)	Disposition
No complaints received as of 7/31/2022.								

Appendix B – Complaint Log Example



Letter of Intent to Comply with WSDOT Title VI Plan

In lieu of adopting a Title VI Plan, the _____ agrees to comply with the WSDOT Title VI Plan.

The _____ assures that no person shall on the grounds of race, color, or national origin, 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 _____ 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.

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

The _____ is responsible for initiating and monitoring Title VI activities, collecting data, preparing reports (including Appendix 28.93) and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation, WSDOT Title VI Plan, and the WSDOT Local Area Guidelines manual.

Signature

Title

Date Executed

Name and Title of Public Works/Transportation Manager

Email Address

Name and Title of Title VI Coordinator

Email Address

Required Attachment: signed, unaltered USDOT1050.2a, Standard Title VI Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

The City of Orting (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Orting, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, City of Orting also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the City of Orting access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the City of Orting. You must keep records, reports, and submit the material for review upon request to City of Orting, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

City of Orting gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Scott Larson
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED September 8, 2023

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Orting 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 Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Orting all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

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

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Orting pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Orting will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Orting will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Orting and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Orting pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Orting will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Orting will there upon revert to and vest in and become the absolute property of City of Orting and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Nondiscrimination Agreement Population Under 100,000

Washington State Department of Transportation and Name of Recipient Policy Statement

The City of Orting, 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 nondiscrimination 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.



Signature

Title

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 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 26 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.
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 Nondiscrimination 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, 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 nondiscrimination 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. **Nondiscrimination** – 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 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 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 nondiscrimination 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 Noncompliance** – In the event of the contractor’s noncompliance with the nondiscrimination 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 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 sub-contractor or procurement as the contracting agency or USDOT 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 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 nondiscrimination 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,

Nondiscrimination 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 nondiscrimination 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, Nondiscrimination 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 nondiscrimination 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.

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 purpose of Title VI of the Civil Rights Act of 1964.