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For updating printed manuals, page numbers indicating portions of the manual that are to be removed and replaced are shown below.

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Highways and Local Programs  
Engineering Services  
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**Washington State  
Department of Transportation**

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# Local Agency Guidelines

M 36-63.39

March 2021

**Local Programs**  
Engineering Services

**Americans with Disabilities Act (ADA) Information:** This material can be made available in an alternate format by emailing the Office of Equal Opportunity at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

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**Abbreviations and Glossary**..... 1

## 28.1 General Discussion

Using the abbreviations and glossary at the end of the LAG Manual, LPA's can find acronyms and definitions used within this chapter.

Recipients of federal financial assistance are required to comply with Title VI of the Civil Rights Act of 1964 and subsequent nondiscrimination laws.

The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization or other entity of any individual, in any State, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee. The term *recipient* does not include any ultimate beneficiary under any such program.

The term "primary recipient" refers to any recipient (e.g., WSDOT) which is authorized or required to extend federal financial assistance to another recipient (e.g., subrecipient) to carry out a program or activity. A subrecipient is a recipient that receives federal financial assistance from a primary recipient. In the context of this Chapter, Local Public Agencies (LPAs) receiving federal financial assistance through WSDOT are subrecipients.

Federal financial assistance is more than just the award/grant/loan of money. Federal financial assistance may also be in nonmonetary form, such as the grant or donation/transfer of federal property and interests in property; the sale and lease of, and permission to use federal property; training conducted by federal personnel or training funded by a federal agency; and more.

Should LPAs (subrecipients) further distribute federal financial assistance to others, those recipients are also covered by Title VI and must conduct their programs and activities accordingly.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin (including limited English proficiency). Other laws such as the Federal-aid Highway Act of 1973, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, while modeled after Title VI, were enacted later to prohibit discrimination based on other grounds (respectively, sex (gender), age, and disability).

The Civil Rights Restoration Act of 1987 clarified the broad institution-wide application of Title VI and other nondiscrimination statutes, meaning that Title VI (and other nondiscrimination statutes) applies to the entire operations of recipients of federal financial assistance regardless of funding source.

In addition to requirements set out in the USDOT Title VI regulations of 49 CFR Part 21 recipients and subrecipients must comply with Executive Orders addressing Limited English Proficiency (LEP) and Environmental Justice (EJ). (Note: When financial assistance is granted to a recipient from the Federal Transit Administration (FTA), the recipient should refer to the FTA's Title VI Circular C4702.1B).

WSDOT must monitor Title VI compliance of its (sub)recipients as well as implement procedures for assessing compliance by subrecipients. If an LPA accepts federal financial assistance from WSDOT, the LPA:

- Agrees to compile and maintain records necessary for recipient and federal funding agency to determine Title VI compliance;
- Agrees to submit reports describing the manner in which their programs, services and activities are being conducted in compliance with Title VI;
- Agrees to comply with Title VI; and,
- Agrees that the federal government has a right to seek judicial enforcement in noncompliance situations.

WSDOT also requires the LPA to establish a Title VI Program. A Title VI Program refers to a system of requirements developed to implement Title VI, which this chapter outlines. The LPA commits to conducting their transportation programs and activities in a nondiscriminatory manner.

## 28.2 Title VI Plan

A Title VI Plan represents policies and procedures for implementing Title VI. It must contain sufficient information from which to determine whether the recipient/subrecipient complies with Title VI and be reflective of the measures that the recipient/subrecipient will take in each of its programs and activities to ensure nondiscrimination.

LPAs must retain their Title VI plan or Letter of Intent six years past the date WSDOT approved a new or revised plan.

Form LA28.91 is a sample template of a Title VI Plan for large agencies (e.g. serving a population of 75,000 or more). Larger agencies with a Title VI Plan approved for a different federally funded transportation program (e.g., FTA-approved) have the option of submitting that Title VI Plan for WSDOT approval or creating a new Title VI Plan.

The following program elements are required to be included in all Title VI Plans developed by LPAs:

- a. Table of Contents
- b. Standard Title VI Assurances [USDOT 1050.2A], signed, dated and inserted verbatim (Form LA28.94);
- c. A Policy Statement that reflects the LPA's commitment to Title VI compliance signed by the LPA's Chief Executive Officer (CEO);
- d. Authorities citing all relevant federal statutes, regulations, executive orders and other laws.
- e. Organization and Staffing - Identification of the Title VI Coordinator and any program area Title VI Liaisons responsible for the management and administration of the Title VI Program. Describe the roles and responsibilities of the Title VI Coordinator (and Liaisons, as appropriate). Include an organization chart that readily identifies the reporting relationship between the Title VI Coordinator and Department/Division Manager;



- f. Program Areas/Review Procedures – This section describes the agency’s program areas associated with highway transportation (i.e., Planning, Design, Education and Training, Right of Way, Construction, Maintenance), the Title VI responsibilities in each area, and procedures for how each area will be monitored/reviewed for Title VI compliance (including the type of data collected, how it is collected and analyzed, and reporting requirements);
- g. Complaint Procedures – This section must outline the process for filing Title VI complaints (include how and where a complaint can be filed, how complaints will be tracked and monitored (identify the point of contact for receipt of complaints), and how the process for filing Title VI complaints is distributed internally and externally). This process must be consistent with the Federal Highway Administration’s (FHWA’s) Title VI complaint processing procedures (refer to FHWA’s website for Questions & Answers pertaining to Title VI complaints)
- h. Distribution of Title VI Information - This section must describe public involvement/ outreach procedures used to engage the public in transportation decision-making; how public outreach data is collected and analyzed for effectiveness; and how Title VI information is distributed to the public (e.g., on the agency’s website, at locations where the agency conducts public meetings, reception areas/counters, in documents for public distribution, in agency procurement documents, et al);
- i. A description of policies and procedures addressing language access (Limited English Proficiency) and Environmental Justice.

Form LA28.92 is a Letter of Intent for use by smaller LPAs (e.g. serving a population of 75,000 or less) who adopt WSDOT’s Title VI Plan. LPAs not executing a Letter of Intent are required to develop a comprehensive plan as outlined in Form LA28.91. The Standard Title VI Assurances [USDOT1050.2A] must also be included, signed, dated, and unaltered.

### **Plan Submissions**

LPAs must submit their Title VI Plan and Assurances to WSDOT- OEO before receiving federal financial assistance. Submission by mail or email to [TitleVI@wsdot.wa.gov](mailto:TitleVI@wsdot.wa.gov). Local Programs staff will verify with OEO that an approved plan or Letter of Intent are on file.

OEO will review each plan for compliance with federal requirements. OEO may request supplemental information prior to approving an agency’s Title VI Plan. OEO will provide written confirmation of a Plan’s approval.

Once approved, the LPA must make the Title VI Plan/Letter of Intent available to the public (e.g., posted on the LPA’s website, et al). The Title VI Plan and Letter of Intent are vital documents, and therefore are subject to translation in other languages, as appropriate.

## **Revisions to the Title VI Plan or Letter of Intent**

Plans and Letters of Intent must contain current contact information for the LPA staff responsible for implementing the Title VI program. When the LPA makes a substantial change to its Plan, the LPA must submit revisions to WSDOT-OEO within 30 days of the effective date of a substantial change.

Substantial changes requiring revisions include but are not limited to changes in an LPA's CEO, changes in the LPA's Title VI Coordinator, and administrative changes in program structure.

WSDOT will notify LPAs having adopted WSDOT's Title VI Plan (e.g., agencies with populations under 75,000 using the Letter of Intent), of any substantial changes made to WSDOT's Title VI Plan. When an LPA submits a new request for federal financial assistance, the LPA must submit an updated Letter of Intent to WSDOT. When the LPA's population exceeds 75,000, the LPA is required to develop its own Title VI Plan.

### **28.3 Standard Title VI Assurances**

The USDOT Standard Title VI Assurances (Form LA28.94) are required of each recipient/subrecipient of federal financial assistance from FHWA. These assurances are an eligibility requirement tied to application and receipt of federal financial assistance from FHWA.

As a subrecipient, LPAs must submit a signed copy of the USDOT Standard Title VI Assurances to WSDOT with applications for federal financial assistance, and then update annually for the period during which federal financial assistance is extended.

The LPA is expected to comply with all terms of the Assurances. This includes the insertion of Appendices A, B, C, D, and E (in their entirety) in documents for which they pertain. For example, LPAs are required to insert the following notification, unaltered, in all solicitations for bids for work or material subject to the regulations and made in connection with Department 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, U.S. 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, sex, handicap/disabled, age in consideration for an award."*

In addition, the LPA must insert the clauses in “Appendix A” and “Appendix E” (verbatim) of the Standard Title VI Assurances (USDOT1050.2A) in every contract subject to the Act and the Regulations; insert the clauses in “Appendix B” in any deed when the United States conveys land or property to the LPA; and insert the clauses in “Appendix C” and “Appendix D” in any deeds, licenses, leases, permits or similar instruments; e.g., Tenancy Agreements associated with the transfer of real property, construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable program, project, or activity.

The appendices referred to above are required as a condition for receiving federal financial assistance. These appendices are part of the contract/grant/permit/loan agreement and instruct the applicant against taking specified actions, requires that specified remedial actions be taken, and/or provides for other appropriate relief. When granted assistance, the terms of the agreement become effective and are attached as a condition to the financial assistance agreement.

If the LPA extends federal financial assistance to others, they are considered “subrecipients” subject to the same requirement for submitting signed USDOT Standard Title VI Assurances. The LPA’s Title VI Coordinator has a responsibility to periodically conduct Title VI reviews of the LPAs processes/procedures to ensure that agency policies, procedures, and/or actions do not have unintentional Title VI consequences.

## 28.4 Annual Title VI Accomplishments and Goals Report

All LPAs must submit an annual report to WSDOT that describes the previous year’s Title VI accomplishments and outlines the LPA’s Title VI goals for the upcoming year.

The annual report must contain transportation activities that occurred during the previous year including demographic data collection summaries, report complaints and their resolution, as well as goals and planned efforts for the coming year. The Annual Title VI Accomplishments and Goals Report template is included in Form LA28.93.

The schedule for submitting annual reports to WSDOT OEO is:

Name of City/Town	Reporting period	Due date	Overdue Notices Sent
A - E	Jan - Dec	Feb. 1	Mar. 1
F - M	April - March	May 1	June 1
N -R	July - June	Aug. 1	Sept. 1
S -Z	Oct - Sept	Nov. 1	Dec. 1

Each annual Accomplishments and Goals Report must include a current signed Standard Title VI Assurances document (USDOT1050.2A), Form LA28.94.

WSDOT-OEO will monitor progress towards goals and compliance of each LPA’s annual report. OEO staff may reply with a list of recommendations of areas needing improvement.

## 28.5 Title VI Complaint Investigations

Any person or group who believes they were discriminated against based on race, color, or national origin in programs, services, or activities where there is federal assistance may file a Title VI complaint.

Complaints related to the federal-aid highway program may be filed with an LPA/MPO, WSDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the United States Department of Justice. According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed no later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

Complaints should be in writing, signed, and filed by mail, fax, in person, or e-mail. If a complainant phones a sub-recipient with allegations, they shall transcribe the allegations of the complaint as provided by phone and then send a written complaint to the complainant for correction and signature.

A complaint must contain the following information:

- The complainant's contact information, including: full name, mailing address, phone number (and best time to call), email address (if available);
- The basis of the complaint (e.g., race, color, national origin);
- The names of person(s) and/or agency/organization alleged to have discriminated;
- A description of the alleged discriminatory actions (include sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance); and,
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

(Sub)recipients must maintain a log of Title VI complaints and their disposition (including the results of any investigations). The record must be included in their Title VI Annual Accomplishments and Goals Report. Form 140-562LA contains a "sample" complaint log. (Sub)recipients should develop their own complaint log, inclusive of the information contained on WSDOT's log.

Retain records related to the complaint as long as the issue is open. Destroy records four years after the end of fiscal year in which the case is closed.

All Title VI complaints related to transportation-related programs and services must be forwarded to WSDOT-OEO for processing by FHWA.

Washington State Department of Transportation  
Office of Equal Opportunity, Title VI  
Box 47314 Olympia, WA 98466

WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint. FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

Complainants have the right to file a complaint directly with the federal funding agency. The following is the address where Title VI complaints may be filed directly with FHWA:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
CivilRights.FHWA@dot.gov

FHWA will render final decisions in all cases including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once FHWA issues its final agency decision, the complaint is closed.

There is no prohibition against a complainant filing a Title VI complaint simultaneously with an LPA, WSDOT, and FHWA.

## 28.6 Title VI Field Reviews

Compliance reviews are the responsibility of the primary recipient (e.g., WSDOT). WSDOT is required (by regulation) to conduct Title VI reviews of its subrecipients. These reviews provide WSDOT (and the federal funding agency) with evidence that the subrecipient is complying with the Title VI requirements, and that federal funds are not being spent in any way that results in discrimination (intentional or unintentional). On an annual basis, WSDOT will conduct Title VI field reviews of select subrecipients.

Selection of LPAs for field reviews is based on a formula that includes: the number of Title VI complaints filed; the population of the service area; the number of WSDOT funded projects; the number of federally funded projects; the LEP population; and the number of students at or below federal poverty standards; et al. At least four weeks prior to a scheduled field review, WSDOT will send the LPA written notification.

In a field review, the task of the reviewer is to evaluate whether the LPA is effectively implementing Title VI. As part of the review process, WSDOT staff will gather documentation and conduct interviews with LPA staff having Title VI responsibilities. The scope of field reviews will vary, based on the subrecipients' programs (e.g., Metropolitan Planning Organization, Local Agency Public Works/Transportation Department, et al). However, there are several review areas common to all such as distribution of Title VI information, data compilation and analysis, complaint processing training, public involvement activities, processes/procedures associated with each program area, et al. The intent of reviews is to assess subrecipient compliance, but also affords WSDOT Title VI staff an opportunity to provide LPAs with on-the-spot technical assistance and guidance related to observations made during the review.

## **Compliance Determinations**

If no deficiencies are identified during a field review, WSDOT may communicate this finding to the LPA at the conclusion of the review. A written notice of compliance will follow.

If deficiencies are identified during the review, the LPA will be informed of such deficiencies through written communication. The LPA will then have 90 days from the receipt of this notice to correct the deficiencies. In the event of a finding of noncompliance, Title VI staff will notify an LPA that it is within compliance only after the LPA has submitted evidence of a corrective action to WSDOT. If a local agency does not correct Title VI Program deficiencies identified by WSDOT in a timely manner, it may be subject to sanctions including the suspension of FHWA funding.

In addition to a review by WSDOT, the federal funding agency (e.g., FHWA) may also conduct Title VI reviews of subrecipients, as it deems necessary.

## **28.7 Executive Orders**

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” are based in Title VI.

### ***Environmental Justice (EJ) – Executive Order #12898***

Executive Order #12898 requires federal agencies to develop strategies to prevent, mitigate, and correct the possible high and adverse disproportionate burdens or environmental effects of an agency’s programs, policies, and activities on minority and/or low-income populations. USDOT and FHWA policy requires recipients/subrecipients to incorporate Environmental Justice (EJ) principles throughout all programs and activities and ensure that the public (inclusive of minority and/or low-income populations) has access to information concerning environmental impacts of proposed actions. Federal statutes and policies require state and local governments that receive federal assistance to establish EJ procedures. Procedures for addressing environmental justice during project development (environmental review phase) are included in WSDOT Local Programs’ NEPA Categorical Exclusion (CE) – A Guidebook for Local Agencies (for CE documents) and Chapter 458 of WSDOT’s Environmental Manual (for Environmental Assessments (EAs) and Environmental Impact Statements (EISs)). EJ principles are expected to be incorporated in all phases of transportation decision-making, from planning to maintenance.

The summarized principles of Environmental Justice are to:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations;
- Ensure the full and fair participation by all potentially affected communities in the decision-making process; and
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Minority and low-income communities have historically borne disproportionately high and adverse human health or environmental effect of transportation infrastructure projects. FHWA authorities define protected minority and low-income populations as Black, Hispanic, Asian, American Indian, Alaskan Native, Native Hawaiian or Pacific Islander, and people with a median household income at or below the poverty level as defined by the US Department of Health and Human Services. The objectives of EJ are to convey issues in ways that are meaningful to various cultural groups; bridge cultural and economic differences that affect participation; use communication techniques that enable people to interact; and increase participation by underrepresented groups.

### **Public Engagement**

Public engagement and participation in decision-making is fundamental and essential in achieving equitable transportation that reflect the transportation-related needs of all persons in the State of Washington.

LPAs must include a proactive public involvement process that provides complete public information, timely notice, full-public access to key decisions and supports early and continuing involvement of the public. The Public Involvement process includes the development of procedures for the collection and analysis of statistical data of public participants in, and beneficiaries of transportation programs; establishment of procedures to identify and eliminate discrimination; and identification and implementation of affirmative measures to ensure nondiscrimination.

For guidance on Public Involvement, refer to Chapter 4 of WSDOT Community Engagement Plan. MPOs with an FHWA approved public involvement plan should rely on their own plan and process.

### **Limited English Proficiency (LEP) – Executive Order #13166**

Executive Order 13166 addresses nondiscrimination based on national origin by requiring agencies that receive federal financial assistance and their subrecipients to take reasonable steps to ensure that LEP persons have meaningful access to an agency's programs and services. LEP requirements may obligate a LPA to provide communications in a language other than English.

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. Washington is home to millions of individuals from different cultures and backgrounds. A significant number are limited English proficient. The US Census data estimate for 2017 ([factfinder.census.gov](http://factfinder.census.gov)) indicates 7.6% of our State's population, or over 510,000 people five years old or older, speak English less than 'very well.'

Executive Order 13166 directs recipients of federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to programs, services, and activities. The following chart, although not complete, shows responsibilities relative to LEP services between LPAs and WSDOT-OEO.

Activity	Responsibility	
	LPA/ MPO	Title VI Program
• Assessing and addressing the needs of eligible persons	X	
• Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
• Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
• Compliance, monitoring, and oversight	X	X
• Providing technical assistance and guidance		X
• Reporting accomplishments and goals	X	

The key to providing meaningful access for LEP persons is to ensure effective communication exists between the LPA and the LEP person. To accomplish effective communication, the following are appropriate steps:

1. Conduct a demographic profile of existing population then use Four Factor Analysis to analyze the specific language services appropriate to provide.
2. Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations.
3. Provide for oral language assistance.
4. Notify LEP customers of the availability of language assistance services.
5. Translate vital documents into languages other than English.
6. Train staff.
7. Develop written procedures.
8. Monitor and evaluate access to language assistance.

Washington State Department of Enterprise Services (DES) has various contracts for certified language services: translators, interpreters, 24/7 language line, etc. LPAs can use these National Association of State Procurement Officer (NASPO) contracts.

<https://des.wa.gov/services/contracting-purchasing/current-contracts>

### **Guidance and Resources**

- Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/ Monday, January 22, 2001.
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000  
<https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20867.pdf>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001  
<https://www.justice.gov/file/1252451/download>
- USDOT’s LEP Guidance  
[www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance](http://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance)
- FHWA’s LEP handbook on [www.LEP.gov](http://www.LEP.gov)



## 28.8 Corrective Action

Effective compliance of Title VI requires that WSDOT take prompt action to achieve voluntary compliance in any instance of noncompliance.

If a subrecipient is out of compliance or believed to be out of compliance with Title VI, WSDOT-OEO has three potential remedies:

1. Resolve the noncompliance status or potential noncompliance status by voluntary means by entering into an agreement which becomes a condition of assistance;
2. Refuse to grant or continue assistance where voluntary compliance efforts are unsuccessful; or,
3. Refer the violation to the FHWA, FTA or Federal Aviation Administration (FAA), as appropriate, who will forward to the U.S. Department of Justice for judicial consideration when voluntary compliance efforts are unsuccessful.

LPA's should attempt voluntary compliance at the start in every noncompliance situation and pursue it through each enforcement action. Similarly, when an applicant fails to file an adequate assurance or breaches its terms, WSDOT-OEO will provide prompt notice on the nature of the noncompliance problem and identify possible consequences and an immediate effort made to secure voluntary compliance.

Oversight monitoring of contract/grant/permit/loan subrecipients is critical to ensuring compliance with Title VI. Upon notification of noncompliance from WSDOT, an LPA will be given 90-calendar days to submit corrective action(s). WSDOT can withhold federal funding and will notify FHWA when voluntary compliance is unsuccessful.

## 28.9 Data Collection

The Nondiscrimination Agreement between the FHWA and WSDOT obligates recipients and sub-recipients alike to collect statistical data (race, color, national origin, sex, disability and age) of participation in and beneficiaries of the program and activities.

Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination; i.e., disproportionately benefiting or harming one group over another is a violation of Title VI. Timely and accurate data allow for better decision making and provide support and defensibility to the decisions made.

CFR 23, Ch.1, Part 200.9 (b. State Actions) (4) requires the State "develop procedures for the collection of statistical data of participants in and beneficiaries of State highway programs; i.e., relocates, impacted citizens and affected communities." We have assured FHWA to collect statistical data (race, color, national origin, sex, disability and age) on participation in and beneficiaries of the program and activities. Data collection by LPA's also provides measurable performance evidence related to Title VI when WSDOT reviews LPA's for compliance with Title VI.

Based on Title VI implementing regulations, each LPA is required to:

1. Provide for the collection of data and information to permit effective enforcement of Title VI.
2. Collect data about beneficiaries.
3. Analyze the data and information collected.
4. Eliminate discrimination, when found.
5. Take affirmative measures to ensure nondiscrimination.

#### Analysis

Types of analysis to address compliance with Title VI:

1. Percent of benefits allocated to persons below vs. above poverty line.
2. Distribution of benefits (dollars, facilities, systems, projects) by groups and communities.
3. Impact of investments on income, race, gender, disability and age groups.
4. Allocation of funds by mode (highway, bus, commuter rail, urban rail, etc.).
5. Projected population increases versus planned facilities and types of facilities.
6. Language needs assessment.

### 28.10 Forms - [www.wsdot.wa.gov/forms/pdfForms.html](http://www.wsdot.wa.gov/forms/pdfForms.html)

LA28.91 Title VI Plan for LPAs with Populations over 75,000

LA28.92 Letter of Intent for LPAs with a Population under 75,000

LA28.93 Title VI Accomplishments and Goals Report

LA28.94 USDOT 1050.2A, Standard Title VI Assurances – required annually

LA28.95 Title VI Complaint Form template (multiple languages)

[140-562LA](#) Title VI Complaint Log

[272-059LA](#) Title VI Public Involvement Form (multiple languages)

### 28.11 Reference Website

Title VI - [www.wsdot.wa.gov/EqualOpportunity/titlevi.htm](http://www.wsdot.wa.gov/EqualOpportunity/titlevi.htm)