

## Policy Statement

The Washington State Department of Transportation (WSDOT) 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. WSDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event WSDOT distributes federal aid funds to another governmental entity, WSDOT will include Title VI language in all written agreements and will monitor for compliance.

WSDOT's Office of Equal Opportunity (OEO), External Civil Rights Branch (ECRB), is responsible for initiating and monitoring Title VI activities, preparing required reports and other WSDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

\_\_\_\_\_  
Douglas B. MacDonald  
Secretary of Transportation

\_\_\_\_\_  
Date

## Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

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, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

### *Additional Authorities and Citations Include:*

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 Code of Federal Regulations 50.3

## Organization and Staffing — General

The Secretary of the Washington State Department of Transportation (WSDOT) is responsible for ensuring the implementation of the department's Title VI programs. The Director of the OEO, on behalf of the Secretary, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator (hereafter referred to as "Coordinator") under the direct supervision of the Manager of the ECRB (see Figures 1 and 2.)

### ***Title VI Coordinator Responsibilities***

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring WSDOT's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by WSDOT.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens, and affected communities. Review Environmental Impact Statements for Title VI and Environmental Justice compliance.
3. Conduct annual Title VI reviews of special emphasis program areas (right of way, planning, design, etc.) to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal aid highway funds.
5. Review state program directives in coordination with Title VI liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and WSDOT subrecipients of federal funds.
7. Prepare the annual Title VI update report presenting the accomplishments for the past year and goals for the next year.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
9. Conduct post-grant approval reviews of state programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the state.
10. Identify, investigate and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.
12. Provide technical assistance to subrecipients in the development of their Title VI Plan and assurances.

## ***Title VI Liaison***

In addition to the Coordinator, each of the special emphasis program areas listed below, shall have designated a Title VI liaison. The liaison shall be responsible for ensuring compliance, program monitoring, reporting, and education within their respective programs.

Research  
Planning  
Construction and Maintenance  
Environmental Affairs  
Consultant Services  
Design Management  
Education and Training (Staff Development)  
Right of Way (Real Estate Services)  
Highways and Local Programs Service Center  
WSDOT Regional Offices  
Washington State Ferries (WSF)

The Coordinator meets quarterly with all the Title VI liaisons to discuss issues regarding program implementation and compliance monitoring within WSDOT.

The OEO has given Title VI collateral duties to specifically one of its regional Human Resources Consultants under its Internal Civil Rights Branch. This individual will assist the Coordinator in the investigation of Title VI complaints, compliance reviews and approval of compliance documents from WSDOT subrecipients of federal funds.



Washington State  
Department of Transportation

**Citizens of Washington State**

**Governor Gary Locke**

**Washington State Transportation Commission**

Ed Barnes  
Aubrey Davis  
Connie Niva, Chair  
Tom Green  
George Karglaniis  
A. Michele Maher  
Christopher Marr

Sid Morrison

Date \_\_\_\_\_

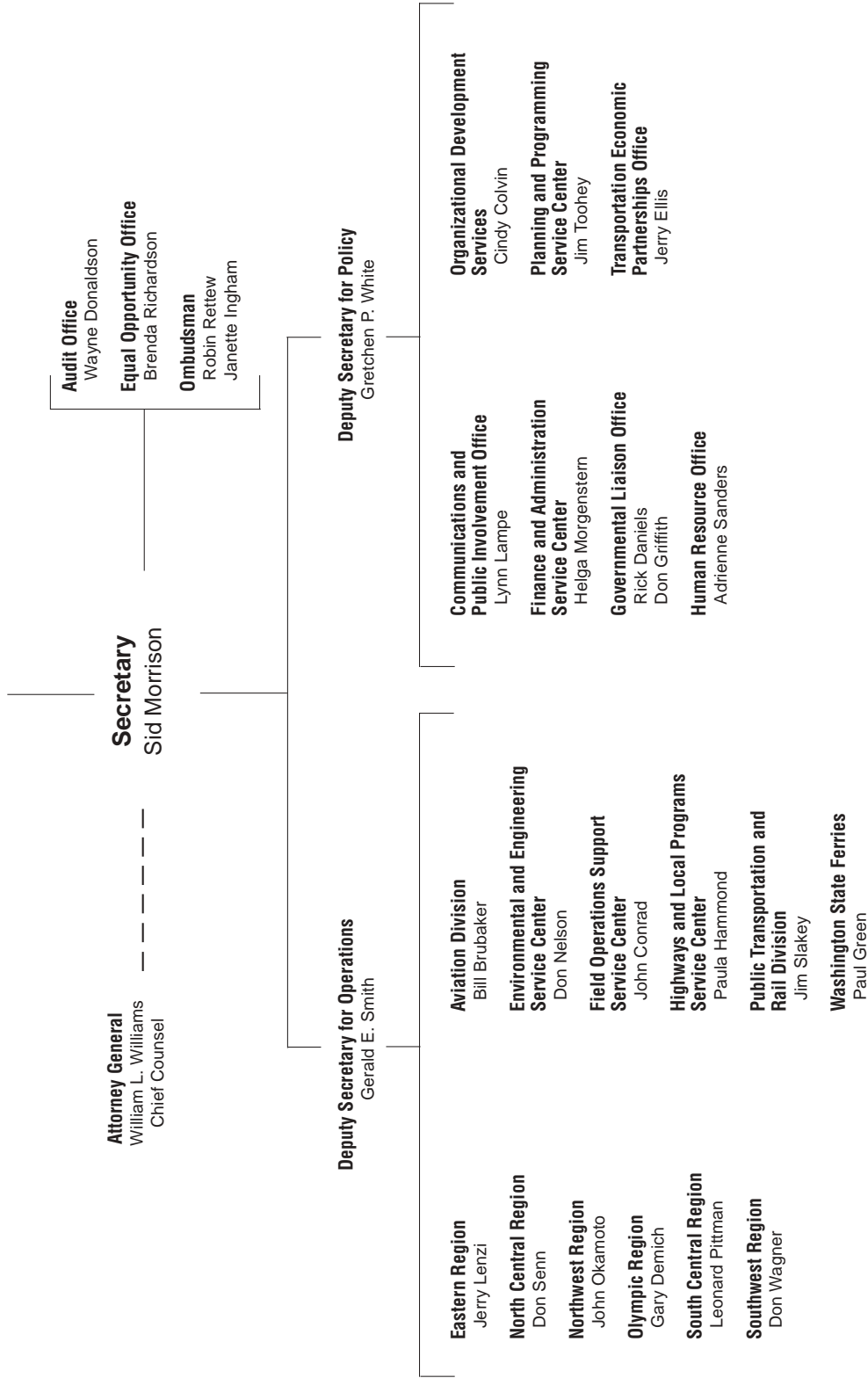


Figure 1

November 1999

1:P65:DP/OC



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**Director**  
**B. Richardson**  
OW032 84030 WMS03

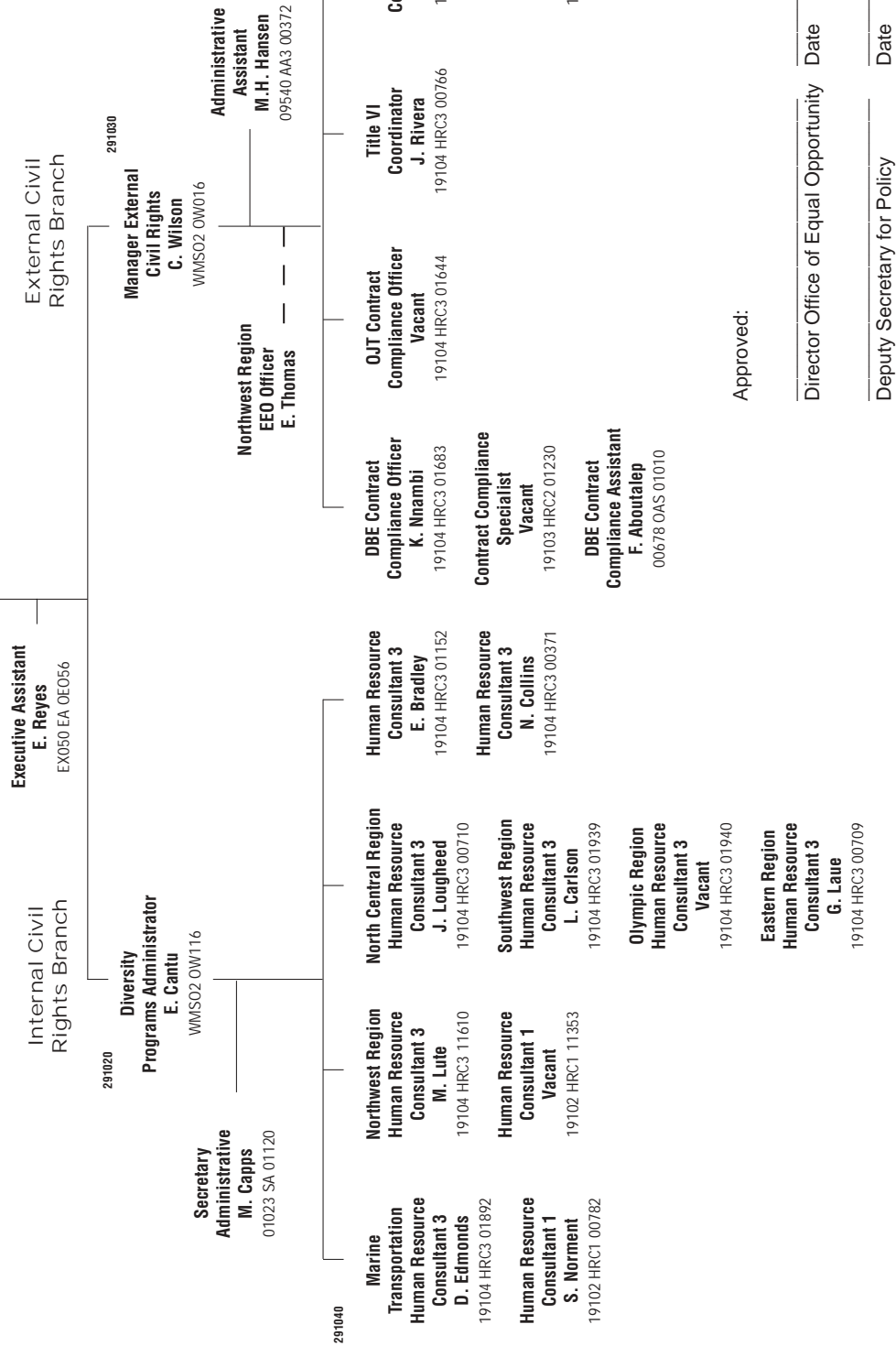


Figure 2

## Program Administration — General

OEO shall be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (see Addendum 1). The Title VI Coordinator, under the direct supervision of the ECRB Manager located in the ECRB of the office, will be responsible for the program day-to-day administration.

### A. Complaints

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, income, sex, or disability, s/he may exercise their right to file a complaint with WSDOT. Every effort will be made to resolve complaints informally at the regional/division, subrecipient, and contractor's level (see Addendum 2).

### B. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of WSDOT programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by OEO for the department. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

### C. OEO's Title VI Program Reviews

OEO's Title VI Program reviews will be performed by the Title VI Coordinator to assess the office's administrative procedures, staffing, and resources available for Title VI compliance.

### D. WSDOT Annual Reviews

All special emphasis programs will be reviewed with the Title VI liaisons annually to assure effectiveness in their compliance of Title VI provisions. This is in addition to the day to day monitoring. Title VI Coordinator and program representatives will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

### E. Title VI Reviews on Subrecipients

Conduct Title VI compliance reviews annually in coordination with the Highways and Local Programs Service Center. Priority for conducting reviews will be given to those local governments, the Metropolitan Planning Organizations (MPOs), and other recipients of federal highway funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and the written report shared with FHWA upon completion.

### F. Operational Guidelines

All operational guidelines to regions, contractors, subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

#### G. Training Program

Title VI training will be made available at least annually to contractors, subrecipients, WSDOT special emphasis program areas and regions. The training will provide comprehensive information on Title VI provisions, its application to program operations, and identification of Title VI issues and resolution of complaints. A summary of training conducted will be reported in the annual update.

#### H. Annual Reports

An annual executive summary will be submitted to the Director of OEO reviewing Title VI accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Title VI Coordinator will be responsible for coordination and preparation of the report.

#### I. Title VI Plan Update

An annual Title VI Plan Update will be submitted to FHWA in November of each year. The update will report on any accomplishments and changes to the program occurring during the preceding year. The Update Report will also include goals and objectives for the upcoming year.

#### J. Public Dissemination

OEO will disseminate Title VI Program information to WSDOT employees, subrecipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications (see Addendum 3).

#### K. Post-grant Reviews

Post-grant Title VI Compliance reviews will be conducted annually on consultants and other contractors seeking contracts with WSDOT. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are conducted on those subrecipients that have already received WSDOT federal funds.

#### L. Elimination of Discrimination

Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to issues of accessibility of National Highway Institute (NHI) training to all qualified WSDOT employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement, and property acquisition.

#### M. Remedial Action

WSDOT will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within WSDOT and its subrecipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective

action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on its subrecipients, WSDOT will reduce to writing a remedial action agreed upon by WSDOT and FHWA to be necessary all within a period not to exceed 90 days.

WSDOT will seek the cooperation of the subrecipient in correcting deficiencies found during the review. WSDOT will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the WSDOT will submit to the FHWA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

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

N. Procedures Manual

All day-to-day administration of the Title VI Program will be incorporated in a WSDOT-OEO Procedures Manual that will be updated regularly to incorporate changes and additional responsibilities.

## **Title VI Responsibilities for Special Emphasis Program Areas**

### **Planning**

A. Transportation Planning Office

The Planning Office has the responsibility to develop long- and short-range plans for WSDOT to provide efficient transportation services to the citizens of the state of Washington. The Transportation Planning Office is located within the Planning and Programming Service Center.

B. Operational Guidelines

The Metropolitan Planning Organization Procedures Manual  
23 CFR 450

RCW 47.06 Statewide Transportation Planning

RCW 47.80 Regional Transportation Planning Organization (RTPO)

C. Planning Process

A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various Metropolitan Planning Organizations (MPOs), and Regional Transportation Planning Organizations (RTPO). The process further entails the monitoring and collection of varied

data pertaining to transportation issues. The Transportation Planning Office coordinates with the MPO, RTPO, urban transportation planning, public involvement, and provides technical support when needed.

#### D. Title VI Responsibilities

- Ensure that all aspects of the planning process operation complies with Title VI.
- Ensure that participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
- Assist the Title VI Coordinator in gathering and organizing the Planning Office portion of the Annual Title VI Update Report.
- Review the Planning Office work program, MPO Procedures Manual and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the MPO, or RTPO to provide information pertaining to their selection criteria for CAC members and to furnish information on membership makeup (race, gender, and position within the organization) for evaluation.
- Visit CAC meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities. Collect data on gender, race, and national origin off public forum attendees.
- Perform a minimum of two annual reviews of the MPO's and/or RTPO's work and transportation programs to ensure Title VI adherence.

### **Research**

#### A. Research Office

The Research Office is responsible for the development of research projects which include not only engineering-related projects, but other areas such as transit, transportation and environmental studies, and socioeconomic analysis. The Research Office is located within the Planning and Programming Service Center.

#### B. Operational Guidelines

Research, Development and Technology Transfer Program Manual 23  
CFR 511

#### C. Research Development

Projects for research are prioritized based on the department needs and availability of funding. Approximately 98 percent of all research projects are conducted by state universities and performed by graduate students under the direction of a designated research professor. The projects are regularly monitored by department program personnel.

#### D. Title VI Responsibilities

Ensure that all research contracts include the requirements of Appendix 1 of the Title VI Assurances.

- Ensure adherence with DBE program requirements in the granting of research contracts and nondiscrimination in the selection of grant recipients.
- Develop procedures to promote the participation of minorities and women in all aspects of a research project.
- Verify that Title VI requirements are incorporated in all contracts and agreements.
- Gather reporting data for the Annual Title VI Update Report.
- Review internal operational procedures, guidelines, directives and policies to ensure compliance with Title VI requirements.
- Monitor accomplishments and promptly correct program area deficiencies.

### **Design**

#### A. Design Management Office

The Design Management Office performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. The office also provides technical support to the regions during project development process. The Design Management Office is located within Environmental and Engineering Programs.

#### B. Operational Guidelines

*Design Manual* — M 22-01  
Federal Aid Policy Guide for Hearings  
23 CFR 771  
Executive Order 12898 on Environmental Justice

#### C. Design Process

Economic, social, topographic, and environmental impact of a proposed project are key factors weighed in the location consideration. Federal, state, local, and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens, including minorities, an opportunity to obtain information and express their opinions on proposed project locations. Special efforts shall be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings.

#### D. Title VI Responsibilities

- Ensure that all aspects of the location selection process comply with the Title VI requirements.

- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data on hearing attendees.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the Title VI Annual Update Report.

### **Education and Training (Staff Development)**

#### **A. Staff Development**

The Staff Development Office is under WSDOT's Office of Human Resources, Administration and Support Division. The Staff Development Office provides overall training program administration within the department, including training provided by the National Highway Institute (NHI). Staff Development is located within the Office of Human Resources.

#### **B. Operational Guidelines**

*Human Resources Desk Manual (M 3009)*

#### **C. Education and Training Process**

A training matrix (a list of training courses that are recommended, and in some cases required) has been established for every major job classification within the department. WSDOT managers, through the Automated Training Management System (ATMS), can access upcoming courses and register employees as training needs arise.

The training program is divided in six programs: Technical Professional Program, Maintenance Program, Safety Program, Data Processing Program, Employee Development Program, and Management Program.

#### **D. Title VI Responsibilities**

- In conjunction with managers and executives, ensure that all employees have equal access to training.
- Ensure accessibility to M/W/DBE consulting/training firms to compete for training contracts.

- Maintain program administration documentation and data necessary for preparation of Annual Title VI Update, including attendance data for NHI and Washington Management Service courses.
- Review directives and manuals to ensure the adherence with Title VI requirements.

### **Right of Way (Real Estate Services Office)**

#### A. Real Estate Services Office

Real Estate Services manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. The office is a part of Environmental and Engineering Programs.

#### B. Operational Guidelines

*Right of Way Manual*  
 23 CFR 130  
 49 CFR 24  
 RCW Chapter 47  
 WAC 468.100

#### C. Acquisition Process

The property acquisition process follows the Right of Way Manual and all applicable laws and regulations, including Title VI. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, business, farm operations, and nonprofit organizations, as well as property management.

#### D. Title VI Responsibilities

- Ensure participation by Minority/Women/Disadvantaged Business Enterprises as identified by the Office of Minority and Women's Business Enterprises (OMWBE) in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management.
- Ensure participation by minority/women disadvantaged business appraisers by updates to fee appraisers directories identifying minority and female appraisers.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- Conduct annual implementation reviews of Title VI provisions within the entire real estate acquisition process.

- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendices 2 and 3 to Title VI Assurances).
- Gather the statistical data required for completion of department's Annual Title VI Update Report including awards to minority and female appraisers, number of relocations, etc.

### **Environmental Affairs Office**

#### **A. Environmental Affairs Office**

Assists the regions in integrating environmental considerations and regulatory requirements into WSDOT's transportation program. Provides technical expertise for project analyses. Develops environmental policies, procedures, manuals, and training. Works with regulatory agencies to streamline the environmental permit process. Environmental Affairs is located within Environmental and Engineering Programs.

A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic. Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-significance (DNS), or NEPA and/or SEPA Environmental Impact Statement will be completed. The Environmental Affairs Office also develops agreements, guidance documents and training programs with the Regulatory and Resource Agencies.

#### **B. Operational Guidelines**

Executive Order 12898 on Environmental Justice  
49 CFR 622, 635, 640, 712, 771, and 790

#### **C. Title VI Responsibilities**

- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Conduct meetings to review the project impact.
- Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems.
- Coordinate the gathering of Environmental information for the Annual Title VI Update Report including awards to DBE firms.

- Notify and make accessible to affected protected group residents public meetings or hearings regarding a proposed project.
- Develop mechanisms to identify population affected by a project.
- Ensure public participation in the location selection process.
- Ensure Title VI/Environmental Justice compliance in all Environmental Impact Statements in coordination with OEO's Title VI Coordinator.

### **Consultant Contracts Coordination**

#### A. Consultant Services Office

The Consultant Services Office is responsible for consultant selection, negotiation, and the administration of consultant contracts. The office is located within the Environmental and Engineering Service Center.

#### B. Operational Guidelines

*Consultant Services Procedures Manual (M 27-50)*  
 48 CFR 31  
 23 CFR 172  
 RCW 39.29  
 RCW 39.80

#### C. Consultant Selection Process

The Consultant Services Office operates under M 27-50, as revised, Title 23 Code of Federal Regulations Part 172, Title 48 Code of Federal Regulations Part 31, Revised Code of Washington 39.29 and 39.80. Selection of consultants is made by either the Consultant Selection Board process or from a scored and ranked register. Upon a consultant's selection, the office assists the department's project manager with negotiation and administration of the contract.

#### D. Title VI Responsibilities

- Monitor DBE program requirements.
- Ensure that all federally funded consultant contracts administered by the Consultant Services Office have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the department's Title VI Update Annual Report.
- Provide Title VI Training and assistance in the development of Title VI Plans for the Consultants.

### **Construction and Maintenance**

#### A. Construction and Maintenance Offices

The Construction Office is responsible for the administration of new construction projects. The Maintenance Office is responsible for the preservation and upkeep of the state transportation system. The offices are located within the Maintenance and Operations Programs.

## B. Operational Guidelines

*Maintenance Manual – M 51-01*

*Construction Manual – M 41-01*

*Standard Specifications for Road, Bridge, and Municipal Construction*  
(Section M 41-10)

*General Special Provisions for Disadvantaged Business Enterprise*

*General Special Provisions for Equal Employment Opportunity*

## C. Construction and Maintenance Process

The Maintenance Office is responsible for developing an efficient program for highway maintenance by utilizing the resources of people, equipment, and materials in the most economic way. The Construction Office sets policy and provides guidance and oversight for the decentralized administration of transportation construction projects by the regions and the regional project engineers.

## D. Title VI Responsibilities

- Monitoring all maintenance operations to ensure nondiscrimination.
- Review activities and programs to assure that maintenance and construction efforts and resources are applied uniformly and fairly.
- Review all projects for application of DBE program requirements.
- Include DBE general special provisions in those projects with assigned goals.
- Include Title VI language in contract advertisements and award letters to encourage the utilization of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform a commercially useful function on the contracts.
- Consult DBE firms using a comprehensive questionnaire to identify possible barriers to their participation in contracts. The obtained information shall be gathered and analyzed for the elimination of such barriers.
- Assist OEO in providing supportive services to DBEs.
- Title VI language shall be included in every contract to ensure nondiscrimination in contract awards due to race or gender.
- Coordinate the gathering of maintenance and construction information regarding DBE participation for the Title VI Annual Update Report.

## **Highways and Local Programs Service Center**

A. The Highways and Local Programs Division has oversight responsibilities to ensure that cities, counties, and MPOs comply with the administrative requirements of Title VI. Highways and Local Programs will perform project management reviews to ensure local agencies' adherence to Title VI administrative requirements and will advise and assist local agencies in the management of Title VI complaints.

B. Operational Guidelines

*Local Agencies Guidelines* manual

C. Highways and Local Programs Division Operation

The Highways and Local Programs Division, through the cities and counties agreements, commits local governments to comply with all federal regulations in the administration of federally funded projects. The local governments, as with the state, must have the necessary resources to administer all aspects of the federal grant.

D. Title VI Responsibilities

- The Highways and Local Programs Division shall maintain documentation and statistical data on race, color, national origin, and sex on staff as well as participants and beneficiaries of WSDOT programs.
- Perform project management reviews to ensure local agencies' adherence to Title VI administrative requirements for special emphasis programs. A report with the findings and recommendations will be provided by the Title VI Coordinator. The report will be discussed with the local agencies for corrective action.
- Advise and assist the local agencies in the management of Title VI complaints.
- Gather program area data for the Annual Title VI Update Report.
- Assist local agencies in developing their Title VI Plan.

## **WSDOT Regional Offices**

The regional offices have oversight responsibilities to ensure that all of their special emphasis program areas comply with Title VI requirements within the region. The regional offices will coordinate efforts with OEO and the Headquarters Title VI liaisons for Title VI compliance.

## **Addendum I — WSDOT Title VI Assurances**

The Washington State Department of Transportation (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

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

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

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

\_\_\_\_\_  
Douglas B. MacDonald  
Secretary of Transportation

\_\_\_\_\_  
Date

## Addendum 2 — External Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, (including its Disadvantage Business Enterprises (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program Components) Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by WSDOT as they relate to subrecipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11 (c) (e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process, which do not provide for any type of punitive damages compensation to the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at each stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### **Procedure**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the WSDOT's OEO. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The compliant must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Present the date of the alleged act of discrimination (date when the complainant became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced in writing and provided to the complainant for confirmation or revision before processing.

2. Upon receipt of the complaint, OEO will determine its jurisdiction, acceptability, need for additional information, and investigative merit of the complaint. In cases where the complaint is against one of WSDOT's subrecipients of federal highway funds, the Department will assume the jurisdiction and will investigate and adjudicate the case. Complaints against WSDOT will be referred to the Federal Highway Administration (FHWA) for proper disposition. In special cases warranting intervention to ensure equity, FHWA may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. Acceptance of a complaint will be determined by:
  - a. Whether the complaint is timely filed;
  - b. Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
  - c. Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public.
4. A complaint may be dismissed for the following reasons:
  - a. The complaint is untimely filed;
  - b. The complaint does not allege a basis covered by the statutes for which OEO is responsible;
  - c. The complainant does not allege any harm with regard to covered programs or statutes;
  - d. The complainant requests the withdrawal of the complaint;
  - e. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
  - f. The complainant cannot be located after reasonable attempts
  - g. The complainant fails to accept reasonable resolution (reasonability to the determined by OEO) or;
  - h. The complainant has filed a legal action in Federal District Court with the same basis and issues involved in the complaint.
5. OEO has sole authority for accepting complaints for investigation. Once OEO decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and then logged in OEO's records identifying its basis, the race, color, national origin and gender of the complainant.

In cases where WSDOT assumes the investigation of the complaint, OEO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish OEO his/her response to the allegations.

6. Within 50 calendar days of receipt of the complaint, the WSDOT's investigator\* will prepare an investigative report for the ECRB Manager's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

\*This can be WSDOT's Title VI Coordinator; the Regional Title VI Liaison or any other qualified investigator designated by OEO.

7. The investigative report and its findings will be forwarded to the Attorney General's Office (AGO) for review. The AGO will review the report and associated documentation and will provide input within 10 calendar days.
8. Any comments or recommendations from the AGO will be reviewed by the ECRB Manager. The ECRB Manager will discuss the report and recommendations with the OEO Director. The report will be modified as needed and made final for its release to FHWA.

Once WSDOT investigative report becomes final, the parties will be properly notified of the outcome and appeal rights. This will take place within 180 days from the initial acceptance of the complaint.

9. WSDOT's investigative report and a copy of the complaint will be forwarded to FHWA, Washington Division Office, within 60 calendar days of the receipt of the complaint.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal WSDOT's determination to the FHWA — Washington Division Office, USDOT or USDOJ. Appeals must be filed within 180 days after WSDOT's final resolution. Unless new facts not previously considered come to light, reconsideration of WSDOT's determination will not be available.
11. WSDOT will serve as appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by a WSDOT subrecipient. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

### **Addendum 3 — WSDOT Title VI Notice to Public**

WSDOT hereby gives public notice that it is the policy of the department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WSDOT receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the WSDOT. Any such complaint must be in writing and filed with the WSDOT Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Office of Equal Opportunity at no cost by calling (360) 705-7098.

## **Appendix 1**

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

### **1. Compliance With Regulations**

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

### **2. Nondiscrimination**

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

### **3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

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

### **4. Information and Reports**

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Washington State Department of Transportation or the Federal Highway Administration 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 the Washington State Department of Transportation, or the Federal Highway Administration 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 Washington State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
2. 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 subcontractor or procurement as the Washington State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Washington State Department of Transportation enter into such litigation to protect the interests of the state and, in addition, the contractor may request the United States to 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, the 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 Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d—4) does hereby remise, release, quitclaim, and convey unto 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 provision 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, disability, national origin, age, or religion, 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 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, Nondiscrimination of federally assisted programs of the Department of Transportation — Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended ( , ) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the department shall have a right to reenter said lands and

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

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.<sup>1</sup>

### **Appendix 3**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Washington State Department of Transportation pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a 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 had 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 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, 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.

**Washington State Ferries**  
**Title VI Requirements for Programs and Activities**  
**related to the**  
**Federal Highway Administration**  
**and**  
**Federal Transit Administration**  
**Nondiscrimination in the Washington State Ferries**  
**Federally Assisted Programs and Activities**

**Introduction**

The Washington State Ferries (WSF) is a public entity that provides marine transportation services to state residents and visitors seeking mobility within the Puget Sound waters. The WSF operation is funded through a number of different state and federal funding sources, including the United States Department of Transportation (USDOT). The USDOT requires, under the authority of Title VI of the Civil Rights Act of 1964, that nondiscrimination policies and procedures be in place for a recipient of federal funds to be able to receive their financial assistance.

Title VI of the Civil Rights Act of 1964 (Title VI) and the Federal-Aid Highway Act of 1973 prohibit discrimination based on race, color, national origin, and sex in the provision of benefits and services resulting from federally assisted program and activities. WSF is considered a major recipient of USDOT (federal) funds, therefore, subject to the provisions and administrative requirements of Title VI.

The following portion of the WSDOT Title VI Plan delineates the Civil Rights responsibilities of WSF under the jurisdictions of the Federal Highway Administration and the Federal Transit Administration. Title VI implementation within the WSF operation is divided by what is called special emphasis program areas. Each program area represents a WSF operational element requiring assigned Title VI responsibilities.

WSF will share the same commitment to nondiscrimination as expressed in WSDOT's Title VI Policy signed by the Secretary of Transportation. Additionally, WSF will adhere to the provisions of the Standard DOT Title VI Assurances and Appendixes (DOT 1050.2) as adopted by WSDOT.

All Title VI complaints originated from any of the WSF special emphasis program areas will be handled according to the approved procedures presented as Addendum 2 of WSDOT's Title VI Plan.

**Design**

A. Terminal Design Office

The Terminal Design Office performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. The office also provides technical support to the regions during project development process. The Terminal Design Office is located within the Terminal Engineering Department.

B. Operational Guidelines

*Design Manual* — M 22-01  
Federal Aid Policy Guide for Hearings  
23 CFR 771  
Executive Order 12898 on Environmental Justice

C. Design Process

Economic, social, topographic, and environmental impact of a proposed project are key factors weighed in the location consideration. Federal, state, local, and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens, including minorities, an opportunity to obtain information and express their opinions on proposed project locations. Special efforts shall be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings.

D. Title VI Responsibilities

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data.
- Monitor program components for compliance with the Title VI requirements.

**Education and Training**

A. Staff Development

WSF training office provides overall training program administration within WSF. This office provides training required to comply with federal, state, and international law. This office also provides other necessary training to enhance both the technical and general skills of our personnel and the safety and health of our work place. The training office also interfaces with the WSDOT Staff Development office and the Office of Human Resources to provide NHI/ engineering training, employee development, and management development training, as appropriate.

B. Operational Guidelines

*Human Resources and Training Manual (SMS Manual #4)*

C. Education and Training Process

A training matrix (a list of training courses that are recommended, and in some cases required) has been established for every major Washington Management System (WMS) and Merit System job classification within WSF. WSF managers, through the Automated Training Management System (ATMS), can access upcoming courses and register employees as training needs arise.

Non Merit system employees will receive training appropriate to their current job duties, their safety and health, changes in policy and procedures, and to comply with all federal, state, and international laws. The WSF training office will monitor these requirements within WSF and schedule classes when necessary.

The training program is divided in seven programs: Technical Professional Program, Maintenance Program, Safety Program, Data Processing Program, Employee Development Program, Management Program, and Marine Program.

D. Title VI Responsibilities

- In conjunction with managers and executives, ensure that all employees have equal access to training appropriate to their position or assignment.
- Ensure accessibility to M/W/DBE consulting/training firms to compete for training contracts.
- Maintaining program administration documentation and data necessary for preparation of the Annual Title VI Update, including attendance data for all formal training conducted.

**Washington State Ferries Information**

A. Terminal Construction and Maintenance

The Terminal Construction and Maintenance Office is responsible for contract administration, construction inspection and engineering support for non routine maintenance efforts. The office is located within the Terminal Engineering Department of Washington State Ferries.

B. Operational Guidelines

*Construction Manual – M 51-01*  
*Standard Specifications for Road, Bridge, and Municipal Construction*  
(Section M 41-10)  
*General Special Provisions for DBE*  
*General Special Provisions for EEO*

C. Construction and Maintenance process

The Terminal Construction and Maintenance Office is responsible for developing an efficient program to plan and deliver non routine terminal maintenance efforts by utilizing the resources of people, equipment, and

materials in the most economic and practical way. This office also has responsibility to follow statewide policy as well as establish and follow policy specific to the administration of terminal construction contracts.

D. Title VI Responsibilities

- Review activities and program to ensure nondiscrimination.
- Review all projects for application of DBE program requirements.
- Include Title VI general special provisions in all projects.
- Ensure thorough reviews that prime contractors will DBE requirements award previously committed work proper DBEs and that DBE actually performs a commercially useful function.
- Include Title VI language in contract advertisements and award letters to encourage the utilization of DBE firms. Award of construction contract should be granted on the basis of the lowest responsive bidder including DBE requirements.
- Assist OEO in providing support services to DBEs.
- Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Update Report.

**Vessel Maintenance**

A. Vessel Maintenance

WSF's Vessel Maintenance Department has three components: The Port Engineer's Office, the Eagle Harbor Repair Facility, and Materials Management, which includes purchasing, inventory, and the warehouse. This department is responsible for developing an efficient program to provide vessel service reliability and public safety responsibility by utilizing the resources of people, equipment, and materials in the most economical way.

B. Operational Guidelines

46 CFR

33 CFR

Chapter 296-304 Washington Annotated code (WAC)

International Safety Management (ISM) Code

Safety of Life At Sea (SOLOS) 74/78 Consolidation Edition, 1992 as amended

United States coast Guard (WSCG) Navigation and Inspection

C. Maintenance Process

The Maintenance Office provides guidance and oversight for the administration of systemwide vessel maintenance projects. Preserving existing asset and providing support to Operations Department to provide consistent, safe, and reliable service to the public are the top priorities of this department.

D. Title VI Responsibilities

- Monitoring all maintenance operations to ensure nondiscrimination.

- Review activities and programs to assure that maintenance and construction efforts and resources are applied uniformly and fairly.
- Review all projects for application of DBE program requirements.
- Include DBE general special provision in those projects with assigned goals.
- Include Title VI language in contract advertisements and award letters to encourage the utilization of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Assist OEO in providing supportive services to DBEs.
- Title VI language shall be included in every contract to ensure nondiscrimination in contract awards due to race or gender.
- Coordinate the gathering of maintenance and construction information regarding DBE participation for the Title VI Annual Update Report.

### **Planning**

#### **A. Transportation Planning Office**

The Planning Office has the responsibility to develop long- and short-range plans for WSDOT to provide efficient transportation services to the citizens of the state of Washington. The Transportation Planning Office is located within Planning and Capital Program Management.

#### **B. Operational Guidelines**

The Metropolitan Planning Organization Procedures Manual  
 23 CFR 450  
 RCW 47.06 Statewide Transportation Planning  
 RCW 47.80 Regional Transportation Planning Organization (RTPO)

#### **C. Planning Process**

A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various Metropolitan Planning Organizations (MPOs). The process further entails the monitoring and collection of varied data pertaining to transportation issues. The Transportation Planning Office coordinates with the MPO urban transportation planning, public involvement, and provides technical support when needed.

#### **D. Title VI Responsibilities**

- Ensure that all aspects of the planning process operation complies with Title VI.
- Ensure that participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.

- Assist the Title VI Coordinator in gathering and organizing the Planning Office portion of the Annual Title VI Update Report.
- Review the Planning Office work program, MPO Procedures Manual and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the MPO to provide information pertaining to their selection criteria for CAC members and to furnish information on membership makeup (race, gender, and position within the organization) for evaluation.
- Visit CAC meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities.

### **Construction/Maintenance Vessel Engineering**

#### A. Vessel Construction Offices

The Vessel Construction Office is responsible for the administration of new contracts in private shipyard construction. The Maintenance Office is responsible for the preservation and upkeep of the state transportation system. The offices are located within the Maintenance and Operations Programs.

#### B. Operational Guidelines

*Maintenance Manual – M 51-01*

*Construction Manual – M 41-01*

*Standard Specifications for Road, Bridge, and Municipal Construction*  
(Section M 41-10)

*General Special Provisions for DBE*

*General Special Provisions for EEO*

#### C. Construction Process

The Vessel Construction Office is responsible for developing an efficient program for vessel maintenance by utilizing the resources of people, equipment, and materials in the most economic way. The Construction Office sets policy and provides guidance and oversight for the decentralized administration of vessel construction projects.

Contracts and Legal Services advertises and awards all contracts to private shipyards.

### **Consultant Contracts Coordination**

#### A. Consultant Services Office

The Consultant Services Office is responsible for consultant selection, negotiation, and the administration of consultant contracts for WSF. The office is located within Environmental and Engineering Programs.

#### B. Operational Guidelines

*Consultant Services Procedures Manual (M 27-50)*

48 CFR 31

23 CFR 172

C. Consultant Selection Process

The Consultant Services Office operates under M 27-50, as revised, Title 23 Code of Federal Regulations Part 172, and the Title 48 of the Code of Federal Regulations, part 31, RCW 39.29 and 39.80. Selection of consultants is made by the Consultant Selection Board which is composed of three members for projects over \$100,000. For projects under \$100,000, two board members may be used. Upon a consultant's selection, the office shall assist the department's project manager with negotiation and administration of the contract.

D. Title VI Responsibilities

- Monitor DBE program requirements.
- Ensure that all federally funded consultant contracts administered by the Consultant Services Office have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the department's Title VI Update Annual Report.



**Title VI Compliance Questionnaire for Local Agencies**

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

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

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

**I. Administration**

**A. Staff Composition and Program Administration**

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

**B. Complaint Procedure**

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

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

**C. Training**

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

**II. Planning Activities**

**A. Public Involvement**

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
  
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?
  
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?

4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

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

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

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

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?

4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?
  
5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

**V. Right of Way Activities**

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?
  
2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?
  
3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
  
4. Are all values and communications associated with appraisals conducted in an equitable fashion?
  
5. Do deeds, permits, and leases contain Title VI compliance clauses?

6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

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

1. Are contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
  
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?
  
3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?
  
4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?



**Title VI Compliance Questionnaire for Planning Organizations**

**MPO/RTPO:** \_\_\_\_\_

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

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

**I. Administration**

**A. Staff Composition and Program Administration**

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
  
  
  
  
  
  
  
  
  
  
2. Provide makeup of the planning organization's Board of Directors by race, color, gender or national origin. Identify the voting members.
  
  
  
  
  
  
  
  
  
  
3. Describe the various programs administered by the planning organization and their funding sources.
  
  
  
  
  
  
  
  
  
  
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

**B. Complaint Procedure**

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?

2. Have you received any Title VI related complaints during the past two years? How many? Outcome? Any Title VI complaint lodged by beneficiaries or participants? Explain issues involved.
  
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

**C. Training**

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
  
2. Are you considering to schedule Title VI training sometime soon? If so, when and who will present it?

**II. Planning Process**

**A. Public Involvement**

1. To what extent citizen participation has been provided in the transportation planning process? Any policy in that regard?  
Explain.
  
2. Citizen Advisory Committees: How are the members selected? For how long? What is their make up in terms of race, color, national origin, sex, and position?

3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?

**B. Hearings**

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?
4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

**C. Procurement of Contracts**

1. How are the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?
  
2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?
  
3. Do you keep record of DBE firms during the RFP process? Provide list.
  
4. How does the planning organization promote the participation of qualified minority/women consultants?
  
5. How does the planning organization monitor consultant's adherence with Title VI requirements?
  
6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.
  
7. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? DBEs?

**D. Environmental Impact**

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.
  
2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.
  
3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?
  
4. Are these efforts documented? If so, please provide documentation.
  
5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.