Peninsula Regional Transportation Planning Organization

Title VI Plan

DRAFT February 2015

Peninsula Regional Transportation Planning Organization
WSDOT Olympic Region Planning
P. O. Box 47440
Olympia, WA 98504-7440
Phone: 360-704-3204

www.wsdot.wa.gov/partners/PRTPO

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Policy of Nondiscrimination

The Peninsula RTPO assures that no person shall on the ground of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Peninsula RTPO 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 that the Peninsula RTPO distributes federal aid funds to another governmental entity, the Peninsula RTPO will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for federal funds. Assurance of compliance, therefore, falls under the proper authority of the Peninsula RTPO pursuant to its budgetary authority and responsibility. The Peninsula RTPO's coordinator is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

Debbie Clemen
Peninsula RTPO Coordinator

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).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition to terms "programs or activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (*Public Law* 100-259 [S.557] March 22, 1998).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964, 42 United State 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.

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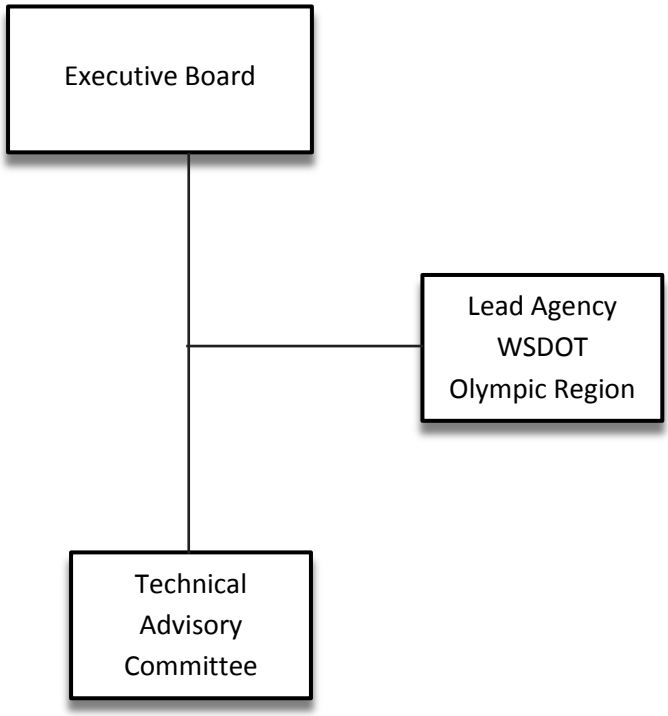
Introduction

The Peninsula RTPO is a voluntary regional planning organization that develops policies and makes decisions about transportation planning on the Olympic and Kitsap Peninsulas in Washington State. It is a forum for local decision-making on transportation issues and regional strategies. Members represent four counties, nine cities, four transit agencies, nine tribal nations, port districts, major employers and the Washington State Department of Transportation.

The Washington State Department of Transportation (WSDOT), Olympic Region serves as the lead-planning agency for the Peninsula RTPO. The lead agency performs such duties as are assigned to it by the Executive Board (provided that adequate funding is available) including, but not limited to: providing staff support and coordination for the organization; serving as the recipient and managing available funding; hiring, supervising and managing personnel, consultants and contractors; and, providing such information as necessary to carry out the objectives of the Peninsula RTPO. The organizational chart below depicts Peninsula RTPO's structure. A listing of the Peninsula RTPO membership and a map showing the regional boundaries is show on Page 8.

PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION



PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION
Membership

Clallam County
Jefferson County
Kitsap County
Mason County
Bainbridge Island
Bremerton
Forks
Port Angeles
Port Orchard
Port Townsend
Poulsbo
Sequim
Shelton
Clallam County Port Districts
Jefferson CO Port Districts
Kitsap County Port Districts
Mason County Port Districts
Clallam Transit
Jefferson Transit
Kitsap Transit
Mason Transit
Hoh River Tribe
Jamestown S'Klallam Tribe
Lower Elwha Tribe
Makah Tribe
Port Gamble S'Klallam Tribe
Quileute Tribe
Skokomish Tribe
Squaxin Island Tribe
Suquamish Tribe
Port Townsend Paper
WSDOT Olympic Region
Washington State Ferries
Legislators from:
Districts 23, 24, 26 & 35

PENINSULA REGIONAL TRANSPORTATION PLANNING ORGANIZATION
Regional Map

Structure

The Executive Board is the governing body of the organization. Responsible for the management of the organization, it is comprised of officials from jurisdictions, tribes and organizations in the Olympic and Kitsap peninsula region. The primary function of the Executive Board is to establish the vision and goals for the Peninsula RTPO, approve policies devised from within the Peninsula RTPO, and provide the forum for coordination and cooperation of the participating agencies at the highest level of authority.

The Technical Advisory Committee (TAC) provides technical advice to the members of the Executive Board on all matters, which may come before the Board. Its membership consists of technical staff from the various organizations within the Peninsula RTPO. The TAC establishes subcommittees to deal with technical issues.

The Peninsula RTPO also maintains a webpage at www.wsdot.wa.gov/partners/prtpo.

The Peninsula RTPO Coordinator has other duties and responsibilities in addition to Title VI duties.

Title VI Coordinator's Responsibilities and Program Administration

The Title VI Coordinator is responsible for initiating, monitoring, and ensuring that the Peninsula RTPO is in compliance with Title VI requirements as follows:

Program Administration

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources. Provide recommendations as required to the Executive Board.

Complaints

Review any written Title VI complaints received by the Peninsula RTPO following the adopted procedural guidelines. Ensure every effort is made to resolve complaints informally at the local or regional level.

Data Collection

Gather statistical data that meets the requirements of the Title VI program administration.

Environmental Impact Statements

Ensure that available census data is included as part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other federal assistance.

Training Programs

Conduct or facilitate training programs on Title VI issues and regulations for the Peninsula RTPO staff and facilitate Title VI training for appropriate contractors, and sub-recipients. In the annual update, the Peninsula RTPO will provide a summary of training conducted.

Title VI Coordinator's Responsibilities and Program Administration continued

Title VI Plan Update

Review and update the Peninsula RTPO's Title VI Plan as needed or required. Present updated plan to the Executive Board for approval; submit amended plan to the Washington State Department of Transportation (WSDOT).

Annual Accomplishment Report

Prepare an annual report of the Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year, as required; and submit by January 30th of each year.

Public Dissemination

Work with agency staff to develop and disseminate the Title VI program information to staff, sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, and webpage postings. Ensure public service announcements or notices are posted in the media and on the webpage of proposed projects, hearings, meetings, or formation of public advisory boards and, where appropriate, provide written or verbal information in languages other than English. Ensure Title VI accommodation and complaint procedures are posted on the Peninsula RTPO's webpage and at public meetings.

Maintain Legislative and Procedural Information

Federal laws, rules and regulations, WSDOT guidelines, the current Peninsula RTPO's Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the agency's Title VI program will be maintained and updated by the Coordinator. Information will be made available to the public as requested or required.

Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including its Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components, Section 504 of the Rehabilitation Act of 1973 (Section 504), Civil Rights Restoration Act of 1987 (CRRA), and the American with Disabilities Act of 1990 (ADA), regarding any program or activity administered by the Peninsula RTPO or its sub-recipients, consultants, and/or contractors.

These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA). Intimidation or retaliation of any kind is prohibited by law per Title 49, Code of Federal Regulations, Part 21.11(e).

Title VI Complaint Procedures continued

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

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Peninsula RTPO. A formal complaint must be filed within one hundred and eighty (180) calendar days of the alleged occurrence. The Peninsula RTPO will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the Peninsula RTPO coordinator will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Peninsula RTPO may request that WSDOT Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, it will follow adopted procedures for investigating discrimination complaints, per the current State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Peninsula RTPO, the appropriate division and/or agency shall be notified of the complaint, within fifteen (15) calendar days.
4. Once the Peninsula RTPO decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the Peninsula RTPO assumes investigation of the complaint, it will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Peninsula RTPO with a response to the allegations.
6. Within sixty (60) days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the Peninsula RTPO. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen (15) days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
8. A copy of the complaint and the Peninsula RPTO's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within sixty (60) calendar days of the receipt of the complaint.

Title VI Complaint Procedures continued

9. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, US Department of Transportation, or US Department of Justice. The complainant has one hundred and eighty (180) calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
10. An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:
    a. The name and address of the person filing the complaint.
    b. The date of the complaint.
    c. The basis of the complaint.
    d. The disposition of the complaint.
    e. The status of the complaint.

Note: Only qualified, well-trained investigators should conduct these investigations. The Peninsula RTPO will not investigate a complaint against itself.

Sub-recipient Review and Remedial Action Procedures

Title VI Review of Sub-recipients of Federal-Aid Highway Funds

The Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. The Peninsula RTPO will review select recipients of Federal-aid highway or other federal funds, to ensure adherence to Title VI requirements. The Coordinator will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Post-Grant Reviews

The Coordinator will conduct periodic post-grant reviews of select recipients of federal highway funds or other federal funds to ensure adherence to Title VI requirements. The Coordinator will periodically confirm that operational guidelines provided to consultants, contractors, and sub-recipients include Title VI language and provisions and related requirements, where applicable.

Remedial Action

When irregularities occur in the administration of Federal-aid highway programs at the agency or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Peninsula RTPO will seek the cooperation of the consultant, contractor or other sub-recipients in correcting deficiencies found during periodic reviews. The Peninsula RTPO will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the Peninsula RTPO will reduce to writing any recommended remedial action agreed upon by the Peninsula RTPO and the sub-recipients, and provide a copy of the letter within a period not to exceed forty five (45) days.

Sub-recipient Review and Remedial Action Procedures continued

Remedial Action continued

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

A follow-up review will be conducted within one hundred and eighty (180) days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the Peninsula RTPO and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR21.

Title VI Implementation Activities in Special Emphasis Program Areas

Planning and Location Activities

Public Involvement in Planning Activities and Title VI

a. Invite participation of a cross-section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning boards, and requesting involvement.

b. The Peninsula RTPO will obtain demographic statistics at applicable community meetings and public hearings involvement transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form, which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.

c. To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings. Sites should be served by transit routes. If translation services are anticipated, they should be provided. When minority communities will be impacted by planning processes, every effort should be made to hold meetings in these communities.

Authorities

23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning; RCW 47.80 Regional Transportation Planning Organization (RTPO).

Consultant Contracts Activities

Consultant Contracts Administration

WSDOT Olympic Region Planning is responsible for contract administration. The agency's guidelines for contracts will be followed when selecting consultants and awarding contracts.

Authorities

Agency Ordinance 90-81; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172.

Title VI Implementation Activities in Special Emphasis Program Areas continued

Consultant Contracts Activities continued

Title VI Assurances and Provisions

The Peninsula RTPO will follow the policies and procedures outlined in its Disadvantaged Business Enterprise Plan when selecting consultants and awarding contracts.

Title VI assurance and provision language will be included in all federally funded consultant contracts. Periodically, documents and language will be reviewed to ensure compliance with current laws and regulations.

EXHIBIT 1

Title VI Notice to the Public

The Peninsula RTPO hereby gives public notice that it is the policy of the organization 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, or national origin as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Peninsula RTPO receives federal financial assistance. The Peninsula RTPO 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.

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 Peninsula RTPO. Any such complaint must be in writing and filed with the Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. A Title VI Discrimination Complaint Form may be obtained from the Peninsula RTPO's webpage at www.wsdot.wa.gov/partners/prtpo.

EXHIBIT 2

Title VI Assurances

The Peninsula RTPO in the State of Washington, (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the US Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 State. 252, 422 USC 2000d—42 USC 2000d—4 (herein 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 (herein 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 ground of race, color, sex or national origin be excluded from participation in, be denied the benefits of , or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Washington State Department of Transportation, including the US Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measure necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulation.

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 Peninsula RTPO 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 Exhibit 1 of this Plan in every contract subject to the Act and the Regulations.
4. 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 he or she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
5. 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 US Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program.

EXHIBIT 2A

Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers

The Peninsula RTPO will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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

1. Compliance with Regulations. The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to DOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination. The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices.
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 Peninsula RTPO or WSDOT 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 Peninsula RTPO, or the WSDOT as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Incorporation of Provisions. The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Peninsula RTPO or the US Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

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

EXHIBIT 3

Strategy for Engaging Individuals with Limited English Proficiency (LEP) Four-Factor Analysis

The US Department of Justice offers guidance on providing meaningful access to LEP individuals. The guidance suggests a "four-factor analysis" process, which is used to determine the number and proportion of individuals with LEP in the region and how to cost effectively provide information services to these individuals. The guidance also offers a threshold of five (5) percent of the affected population or 1,000 people in an affected neighborhood.

The "four-factor analysis" process includes:

1. Determining the number and proportion of individuals with LEP within the population;
2. The frequency with which individuals with LEP will come in contact with the program;
3. The importance of the program to people's lives; and
4. The resources available to provide translation services.

The Peninsula RTPO has conducted an analysis based on the above guidance and has found as follows:

1. Number and Proportion

Many languages are spoken on the Olympic and Kitsap Peninsulas, but the number and proportion of households that are linguistically isolated is low in the region. According to the United States Census figures, a language other than English is spoken by the following percentage of the population in the region:

- 4.4 percent of the population in Jefferson County speaks a language other than English.
- 5.4 percent of the population in Clallam County speaks a language other than English.
- 7.8 percent of the population in Mason County speaks a language other than English.
- 8.8 percent of the population in Kitsap County speaks a language other than English.

The student demographics for the following schools in the region show the top two languages spoken in the region are English and Spanish.

- 17.4 percent of the students at the Bremerton School District are Hispanic/Latino of any race(s).
- 15.6 percent of the students at the Cape Flattery School District are Hispanic/Latino of any race(s) [Neah Bay].
- 15.7 percent of students at the North Mason School District are Hispanic/Latino of any race(s) [Belfair].
- 7.5 percent of students at the Port Angeles School District are Hispanic/Latino of any race(s).
- 6.0 percent of students at the Port Townsend School District are Hispanic/Latino of any race(s).

However, only 1.56 percent on average of these households is defined as linguistically isolated, or one in which no member 14 years old and over speaks only English. The Olympic and Kitsap Peninsula region has very few households that cannot understand some English.

EXHIBIT 3
Strategy for Engaging Individuals with Limited English Proficiency (LEP) Four-Factor Analysis continued

2. Frequency of Contract with Programs

The frequency and extent with which LEP individuals come into contact with the Peninsula RTPO programs is estimated to be somewhat low, and highly dependent on the jurisdiction. The Peninsula RTPO serves as a forum for local governments to develop policies and make decisions about regional growth and transportation issues; however, the Peninsula RTPO solicits and encourages public comment on its policies, programs, and funding and is continually seeking ways to increase opportunities for public involvement, particularly by historically underserved populations, including those with LEP.

3. Importance of Programs

While the work of the Peninsula RTPO is essential to the long-term livability and economic vitality of the region, transportation and growth management planning is not as important as other services provided by government entities. Basic services such as health care, employment, or financial assistance would rate much higher in the continuum of essential services.

4. Resources for Programs

The Peninsula RTPO will seek cost-effective ways to address the needs of individuals with LEP, providing written and oral translation services for all public communications as indicated in the following Language Assistance Plan.

Language Assistance Plan

When appropriate, the Peninsula RTPO may employ some or all of the following outreach strategies for LEP engagement.

The more important the program, the more frequent the contract with LEP populations and the likelihood that language translation services will be needed:

- Schedule meetings at time and locations that are convenient and accessible for minority and LEP communities.
- Employ different meeting sizes and formats. Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected and/or LEP communities. Consider radio, television, or local newspaper ads on stations and in publications that serve LEP populations.
- Provide opportunities for public participation through means other than written communication, such as interviews, or use of audio or video recording devices to capture oral comments.
- During planning processes that involve a high concentration of LEP residents, the Peninsula RTPO will translate vital documents, materials and meeting content, as needed. A vital document is any that is critical for ensuring meaningful access to the Peninsula RTPO's major activities and programs. Whether or not a document is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP community if the information in question is not provided accurately or in a timely manner. Oral translation services will be provided at meetings, as needed.

The Title VI Coordinator will be responsible for researching and recommending the provision of services in this area.

APPENDIX

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A1: Title VI Complaint Procedures

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Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including its Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components, Section 504 of the Rehabilitation Act of 1973 (Section 504), Civil Rights Restoration Act of 1987 (CRRA), and the American with Disabilities Act of 1990 (ADA), regarding any program or activity administered by the Peninsula RTPO or its sub-recipients, consultants, and/or contractors. These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA). Intimidation or retaliation of any kind is prohibited by law per Title 49, Code of Federal Regulations, Part 21.11(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. Every effort will be made to resolve complaints informally at the agency and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Peninsula RTPO. A formal complaint must be filed within one hundred and eighty (180) calendar days of the alleged occurrence. The Peninsula RTPO will not officially act or respond to complaints made verbally.

2. Upon receiving the written complaint, the Peninsula RTPO coordinator will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Peninsula RTPO may request that WSDOT Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, it will follow adopted procedures for investigating discrimination complaints, per the current State Title VI Plan.

3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Peninsula RTPO, the appropriate division and/or agency shall be notified of the complaint, within fifteen (15) calendar days.

4. Once the Peninsula RTPO decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.

5. In cases where the Peninsula RTPO assumes investigation of the complaint, it will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Peninsula RTPO with a response to the allegations

6. Within sixty (60) days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the Peninsula RTPO. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

7. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen (15) days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.

8. A copy of the complaint and the Peninsula RPTO's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within sixty (60) calendar days of the receipt of the complaint.

9. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, US Department of Transportation, or US Department of Justice. The complainant has one hundred and eighty (180) calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

10. An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:
    a. The name and address of the person filing the complaint.
    b. The date of the complaint.
    c. The basis of the complaint.
    d. The disposition of the complaint.
    e. The status of the complaint.

Only qualified, well-trained investigators should conduct these investigations. The Peninsula RTPO will not investigate a complaint against itself.

A2: Title VI Complaint Form

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Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 requires the Peninsula RTPO to ensure protection from discrimination on the basis of race, color and national origin. This form may be used by anyone who believes he or she has experienced discrimination. To register your Title VI complaint, please complete the form below.

SECTION I
Name:
Address:
Telephone Numbers Home: Cell:
Email:

SECTION II
Are you filing this complaint on your own behalf? YES NO If you answered YES, go to Section III on the next page. If you answered NO, please indicate the name and relationship of the person for whom you are filing this complaint.
Please explain below why you have filed for a third party.
Please confirm you have obtained permission from the aggrieved party to submit this complaint. ☐ YES, I have permission to file this claim. ☐ NO, I don't have permission to file claim.

Peninsula RTPO's
Title VI Complaint Form continued

SECTION III
I believe the discrimination I experienced was based on (select all that apply): ☐ Race ☐ Color ☐ National Origin
Date of alleged discrimination (month, day, year):
Explain what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. You may attach any written materials or other information relevant to your complaint.

SECTION IV
Have you previously filed a Title VI complaint with the Peninsula RTPO? ☐ YES ☐ NO

Signature _____ Date _____

Please sign and email this form to the Peninsula RTPO Coordinator at clemend@wsdot.wa.gov or mail to Debbie Clemen, WSDOT, OR Planning, P. O. Box 47440, Olympia, WA 98504-7440

A3: Civil Rights Act of 1964

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Title VI of the Civil Rights Act of 1964

http://www.justice.gov/crt/about/cor/coord/titlevi.php

THE COMMON LAW IS THE WILL OF *Mankind* ISSUING FROM THE *Life* OF THE *People*

THE UNITED STATES DEPARTMENT of JUSTICE

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TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Overview of Title VI of the Civil Rights Act of 1964

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

To assist federal agencies that provide financial assistance, the wide variety of recipients that receive such assistance, and the actual and potential beneficiaries of programs receiving federal assistance, the U.S. Department of Justice has published a Title VI Legal Manual. The Title VI Legal Manual sets out Title VI legal principles and standards. Additionally, the Department has published an Investigation Procedures Manual to give practical advice on how to investigate Title VI complaints. Also available on the Federal Coordination and Compliance Website are a host of other materials that may be helpful to those interested in ensuring effective enforcement of Title VI.

Statutes and Regulations

- Title VI Statute, 42 U.S.C §§ 2000d - 2000d-7 (HTML or PDF)
- Department of Justice's Title VI Regulations (28 C.F.R. § 42.101 et seq.) (HTML or PDF)
- Department of Justice's Title VI Coordination Regulations (28 C.F.R. § 42.401 et seq.) (HTML or PDF)
- Department of Justice's Guidelines for the Enforcement of Title VI (28 C.F.R. § 50.3) (HTML or PDF)
- Rulemaking actions to incorporate the Civil Rights Restoration Act's definitions of "program or activity" and "program" into regulations implementing Title VI, Section 504, and the Age Discrimination Act:
- Twenty-two agencies' Notice of Proposed Rulemaking, published December 6, 2000 (65 FR 76460) (HTML or PDF)
- Twenty-two agencies' Final Rule, published August 26, 2003 (68 FR 51332) (HTML or PDF)
- Department of Education's Notice of Proposed Rulemaking (also includes amendments to Title IX regulations), published May 5, 2000 (65 FR 26464) (HTML or PDF)
- Department of Education's Final Rule (also includes amendments to Title IX regulations), published November 13, 2000 (65 FR 68049) (HTML or PDF)
- Department of Health and Human Services' Notice of Proposed Rulemaking (also includes amendments to Title IX regulations), published October 26, 2000 (65 FR 64194) (HTML or PDF)

CONTACT INFORMATION
CIVIL RIGHTS DIVISION
FEDERAL COORDINATION AND COMPLIANCE

Federal Coordination and Compliance
Title VI Hotline: 1-888-TITLE-06 (1-888-848-5306) (Voice / TTY)

LEADERSHIP

Deeana Jang
Chief

MAILING ADDRESS

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

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A4: Peninsula RTPO Contacts

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Peninsula RTPO Staff

Debbie Clemen
Peninsula RTPO Coordinator
WSDOT, Olympic Region Planning
Phone: 360-704-3204
Email: clemend@wsdot.wa.gov

Peninsula RTPO Webpage
www.wsdot.wa.gov/partners/prtpo

Peninsula RTPO Members

Executive Board Chair

Commissioner David Sullivan
Jefferson County
Email: dsullivan@co.jefferson.wa.us

Executive Board Vice Chair

Annette Nesse
Chief Operations Officer
Jamestown S'Klallam Tribe
Email: anesse@jamestowntribe.org

Executive Board Secretary

Commissioner Judy Scott
Port Commissioner
Port of Allyn
Email: ssconstruct@hotmail.com

Technical Advisory Committee Chair

Rich James
Senior Transportation Planner
Clallam County
Email: rjames@co.clallam.wa.us

Technical Advisory Committee Vice Chair

Mike Oliver
Development Manager
Mason Transit Authority
Email: moliver@mastontransit.org