Title VI Program Plan

Washington State Department of Transportation
Office of Equal Opportunity

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Washington State Department of Transportation
Title VI Program Plan

Table of Contents

Title VI Policy Statement 6
Introduction 8
Authorities 9
Definitions 10
Organization and Staffing 12
Title VI Requirements 15
Public Dissemination of Title VI Information 15
Data Collection 16
Access to Records 18
Training 18
Program Area Reviews 18
Programs with Significant Title VI Responsibilities 19
  Local Programs Division 19
  Communications Division 21
  Construction Division 22
Consultant Services Office (CSO) 22
Design Office 23
Environmental Services Office (ESO) 24
Maintenance Operations Division 25
Multimodal Planning Division 26
Project Development Division 27
Purchasing and Materials Management Office 28
Rail, Freight and Ports Division (RF&P) 28
Real Estate Services Office (RES) 28
Research and Library Services Office 30
Staff Development Division 30
Toll Division 31
Tribal Liaison Division 32
WSDOT Regional Offices 32
WSDOT’s Ferry Division (WSF) 32
Sub-recipient Reviews 36
Discrimination Complaint Process 37
Limited English Proficiency 39
WSDOT Language Access Plan 40
Environmental Justice (EJ) 42
Review of State Transportation Agency Directives 42
Status of Corrective Actions 43
Compliance and Enforcement Procedures 43
Standard Title VI Assurances 43
Appendices 44
Appendix 1 – DOT Order No. 1050.2A 45
   APPENDIX A 49
   APPENDIX B 50
   APPENDIX C 51
   APPENDIX D 52
   APPENDIX E 53
Appendix 2 – Secretary’s Executive Order E 1087.00 54
Appendix 3 – OEO Organizational Chart 56
Appendix 4 – WSDOT Organizational Chart 57
Appendix 5 – Title VI Program Brochure 58
Appendix 6 – FHWA Title VI Compliance Review (2014) 60
Appendix 7 – WSDOT Corrective Action Plan (June 17, 2016) 71
Appendix 8 – WSDOT Regions Map 82
Title VI Policy Statement

The Washington State Department of Transportation (WSDOT), in compliance with Title VI of the Civil Rights Act of 1964, assures that no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. WSDOT further assures compliance with related Nondiscrimination authorities that prohibit discrimination based on sex, age, and disability and commit WSDOT to nondiscrimination in all of its programs and activities, whether or not federally funded.

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 these entities to ensure their compliance with Title VI requirements. In addition, WSDOT will take reasonable steps to provide persons with Limited English Proficiency with meaningful access to its programs and services.

WSDOT’s Office of Equal Opportunity (OEO) is responsible for initiating and monitoring Title VI activities, preparing required reports, and enforcing other state transportation agency responsibilities required by 23 Code of Federal Regulations (C.F.R.) Part 200, and 49 C.F.R. Part 21.

The secretary has signed the DOT Standard Title VI Assurances with Appendices A-E. The signed Assurances are included as Appendix 1 to this document, followed by Appendices A-E. The Assurances with Appendices A-E are incorporated herein by reference.

WSDOT’s Title VI Program Coordinator may be contacted as follows:

Contact Information

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All WSDOT personnel will assist WSDOT’s Title VI Program Coordinator in the effective implementation of the Title VI Program.

Roger Millar
Secretary of Transportation

1 Oct 2018
Notificación de Titulo VI al Publico
Es la póliza del Departamento de Transportación del Estado de Washington de asegurar que ninguna persona sea excluida de poder participar, sea negada beneficios, o sea sujeta a discriminación bajo cualquiera programa o actividad financiada con fondos federales por causa de su raza, color, origen nacional o sexo, como proveído por el Título VI del Acto de Derechos Civiles de 1964. Cualquier persona que crea que sus derechos bajo el Titulo VI han sido violados, puede levantar una queja con la Oficina de Igualdad de Oportunidades (OEO). Para información adicional con respecto a procedimientos de quejas del Titulo VI y/o información con respecto a nuestras obligaciones, por favor comuníquese con el Coordinador de Titulo VI de la Oficina de Igualdad de Oportunidades (OEO) 509.577.1616.

Información del Acta de estadounidenses con Discapacidades
Este material se puede hacer disponible en un formato alternativo. Para ayuda con esto puede mandar un mensaje al equipo de Asuntos de diversidad/ADA WSDOT vía wsdotada@wsdot.wa.gov o puede llamar al 855-362-4ADA (4232). Personas sordas o con problemas de audición pueden solicitar llamando el relé de estado de Washington al 711.
Introduction

WSDOT, as a recipient of federal financial assistance, is required to comply with various nondiscrimination laws, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination against anyone in the United States based on race, color or national origin.

The Federal Highway Administration ("FHWA") requires recipients of federal-aid funds to prepare an Implementation Plan to clarify roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The WSDOT Title VI Implementation Plan 2018 documents WSDOT’s roles, responsibilities and procedures in compliance with requirements under Title VI of the Civil Rights Act of 1964.
Authorities

**Title VI of the Civil Rights Act of 1964**, (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);

**Federal-Aid Highway Act of 1973**, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);

**The Age Discrimination Act of 1975**, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);

**Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability);

**Americans with Disabilities Act of 1990**, (ADA), as amended, (42 U.S.C. §12101 et seq.), (prohibits discrimination on the basis of disability);


**49 C.F.R. Part 21** (Nondiscrimination In Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);

**49 C.F.R. Part 27** (Nondiscrimination on the Basis of Disability In Programs or Activities Receiving Federal Financial Assistance);

**49 C.F.R. Part 28** (Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation);

**49 C.F.R. Part 37** (Transportation Services for Individuals with Disabilities (ADA));

**23 C.F.R. Part 200** (FHWA’s Title VI/Nondiscrimination Regulation);

**28 C.F.R. Part 35** (Discrimination on the Basis of Disability in State and Local Government Services);

**28 C.F.R. Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

**49 RCW § 60.030** – Freedom from Discrimination;

**Executive Order 12898** - “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; and

**Executive Order 13166** - “Improving Access to Services for Persons with Limited English Proficiency.”
Definitions
[As expressed in Title 23 of the Code of Federal Regulations, Highways, Part 200.5]

(a) "Affirmative action" - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

(b) "Beneficiary" - Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc.

(c) "Citizen participation" - An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

(d) "Compliance" - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

(e) "Deficiency status" - The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

(f) "Discrimination" - That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C.

(g) "Facility" - Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and "the provision of facilities" includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities.

(h) "Federal assistance" - Includes:

(1) Grants and loans of Federal funds,

(2) The grant or donation of Federal property and interests in property,

(3) The detail of Federal personnel,

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

(5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.
(i) "Noncompliance" - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

(j) "Persons" - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

(k) "Program" - Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

(l) "State highway agency" - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to "State highway agency" if the context so implies.

(m) "Program area officials" - The officials in FHWA who are responsible for carrying out technical program responsibilities.

(n) "Recipient" - Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.

(o) "Secretary" - The Secretary of Transportation as set forth in 49 C.F.R. 21.17(g)(3) or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

(p) "Title VI Program" - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

(1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 C.F.R., Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 C.F.R. 50.3);

(2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 C.F.R. Part 25; Pub. L. 91-646);

(3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619);

(4) 23 U.S.C. 109(h);
(5) 23 U.S.C. 324;

(6) Subsequent Federal-Aid Highway Acts and related statutes.

**Organization and Staffing**

The WSDOT Secretary of Transportation is responsible for ensuring the implementation of the Agency’s Title VI program. Pursuant to 23 C.F.R. 200.9 (b), the secretary has established and staffed OEO to fulfill and implement all federal civil rights requirements.

The director of the OEO is responsible for the overall management and implementation of the Title VI program on behalf of the secretary. The day-to-day administration of the program lies with the Title VI specialists under the direct supervision of the Title VI Coordinator. The Title VI Coordinator reports directly to the Director of OEO and has access and interaction with the secretary of WSDOT on all matters pertaining to the Title VI program. Organizationally and functionally, the OEO is a part of the Office of the Secretary.

The OEO is comprised of the following program working groups:

- Policy and Reporting;
- Disadvantaged Business Enterprise (DBE) Compliance;
- DBE Supportive Services (DBE/SS);
- Equal Employment Opportunity (EEO) Contract Compliance;
- Americans with Disabilities (ADA) External Compliance;
- On-the-Job Training (OJT);
- OJT Supportive Services (OJT/SS);
- Pre-Apprenticeship Supportive Services (PASS); and
- Title VI.

The organizational charts located in Appendix 3 and Appendix 4 reflect the structure of OEO and the organizational structure of WSDOT.

Compliance specialists are on staff in program groups responsible for compliance. The director of OEO assigns program staff a specific portfolio of responsibilities for compliance and monitoring.

**Americans with Disabilities Act (ADA) Program**

The ADA External Compliance Program group is responsible for all aspects of compliance and monitoring of all accessibility concerns in WSDOT’s programs. WSDOT is committed to ensuring that all people have equal access to services, employment opportunities, and transportation decision-making opportunities. This commitment is fundamental to the WSDOT’s culture. A dedicated Title II ADA manager in OEO directs program staff throughout each of WSDOT’s administrative areas in this effort.
Disadvantaged Business Enterprises Program (DBE)

The DBE Program group includes a DBE Program Manager and a DBE Compliance Manager at Headquarters (HQ), as well as HQ and regional compliance specialists. The DBE Program group coordinates administration and monitoring of participation levels for DBE firms and provides technical assistance, training and outreach to contractors and DBEs in WSDOT construction projects.

Title VI Program

The Title VI Program group is responsible for the administration of the statewide Title VI program. Internally, the unit is responsible for statewide guidance, technical assistance and training on Title VI, as well as the development and implementation of WSDOT’s Title VI emphasis program areas of Limited English Proficiency (LEP) and Environmental Justice (EJ). Externally, WSDOT’s Title VI unit provides guidance, technical assistance and training to local public agency managers, contractors and other sub-recipients, as well as monitors these entities for compliance with federal guidelines. Title VI program staff is comprised of a Title VI Coordinator located at WSDOT’s HQ and Title VI specialists located in regional offices.

In conjunction with this group, subgroups within the Title VI program administer EEO Contract Compliance and OJT Support Services. Collectively, these subgroups promote a diverse and inclusive workforce and assist underrepresented communities who wish to enter the construction trades.

Title VI Coordinator Duties

The Title VI Coordinator’s responsibilities, in addition to focusing on the implementation of the Title VI program plan include:

- Preparing the annual Title VI update report that details the WSDOT’s future goals and accomplishments.
- Developing a Language Access Plan (LAP) to include precisely how WSDOT assesses the language needs of the public that it serves, both project by project, and programmatically.
- Conducting training programs on Title VI and related statutes for Local Public Agency (LPA) officers and sub-recipients of federal funds.
- Providing technical assistance to sub-recipients in the development of their Title VI programs.
- Developing Title VI information for dissemination to the public and ensuring that Appendices A and E from the most recent version of 1050.2A are included in all contracts that include state or federal financial assistance.
- Conducting Title VI reviews of LPAs, Municipal Planning Organizations (MPOs), Regional Transit Organizations (RTOs), and other sub-recipients of federal aid highway funds.
- Processing the disposition of Title VI complaints received by WSDOT.
- Conducting annual Title VI reviews of special emphasis program areas.
Title VI Liaisons

Title VI liaisons are principally responsible for collecting data and analysis of Title VI activities. Practicing an interdisciplinary approach and working throughout WSDOT’s program areas and regions, liaisons help monitor and maintain WSDOT’s compliance with federal guidelines. Title VI liaisons augment the efforts of the Title VI program group by helping the Title VI group develop policies, procedures and practices in their respective areas of emphasis. At the direction of the Title VI Coordinator, the Title VI program staff and Title VI liaisons coordinate responsibilities, define objectives and support the implementation of WSDOT’s evolving Title VI program.

The Title VI Coordinator aims to have a Title VI liaison continually present in each of the following core departments or divisions:

- Communications
- Construction
- Consultant Services
- Design
- Environmental Services
- Ferry Division
- Rail, Freight and Ports Division
- Local Programs
- Maintenance and Traffic Operations
- Mega Projects (e.g., Alaska Way Viaduct, State Route 520, Interstate 405, Gateway)
- Planning
- Public Transportation
- Real Estate Services
- Research and Library Services
- Staff Development (education and training)
- Toll Division
- Tribal Relations
- WSDOT Regional Offices (6) (see WSDOT regions map at Appendix 8)
  - Eastern Region
  - North Central Region
  - Northwest Region
  - Olympic Region
  - South Central Region
  - Southwest Region
Title VI Requirements

Title VI of the Civil Rights Act of 1964, and subsequent statutes and regulations, state that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability 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. Pursuant to these laws, recipients of federal financial assistance must take affirmative steps to ensure that prohibited discrimination does not occur. To that end, WSDOT is committed to:

- Adopt policies and procedures that support the development and implementation of a functional Title VI program.
- Ensure meaningful public participation in transportation decision-making.
- Prevent, minimize or correct high and adverse impacts resulting from WSDOT’s programs or activities.
- Monitor the activities of local public agencies and other sub-recipients to ensure their compliance with all Title VI requirements.
- Ensure that our operations, benefits, and programs, are accessible to all of WSDOT's customers.
- Provide language access services to LEP recipients where appropriate.
- Conduct department federal program area reviews to collect and analyze data that may be useful in identifying and addressing any trends or patterns of discrimination.

Public Dissemination of Title VI Information

Printed Material

WSDOT’s Non-discrimination Policy Statement can be seen throughout WSDOT outreach materials, including the “Reaching out to our Communities: Environmental Justice at the Washington State Department of Transportation” flyer, WSDOT reports, folios, brochures, posters and other materials printed for public distribution. WSDOT’s manuals are available online at: www.wsdot.wa.gov/Publications/Manuals/index.htm.

Internal guidance on use of Title VI language in publications is included in WSDOT’s Communication Manual and on the intranet Graphics Communications web-page.

WSDOT is currently updating its Title VI brochure (see present brochure below at Appendix 5); however, the content of this brochure is currently available on OEO’s web page: www.wsdot.wa.gov/EqualOpportunity/titlevi.htm.

The Title VI brochure is available for the public at all WSDOT facilities.

Websites and Links

The Accessibility/Title VI link is embedded in WSDOT’s website templates, and the link appears in the footer on every web page. Related information such as Title VI policy and that pertaining to the OEO are displayed in the left navigation panel.
WSDOT’s web standards, provided in the Web Toolkit, include guidance on accessibility, adding alternative text to images and graphics, etc. It is available on WSDOT’s external website at: [www.wsdot.wa.gov/communications/webtoolkit](http://www.wsdot.wa.gov/communications/webtoolkit).

WSDOT’s LEP plan is detailed in this document. A separate LAP will soon be accessible online.

**Data Collection**

Statistical data on race, color, national origin, sex, age, and disability of participants/beneficiaries of WSDOT’s programs, is gathered and analyzed by relevant program areas as a function of their Title VI, EJ, and LEP responsibilities. In addition to collecting data, each federal program area is responsible for using this data to identify and address any trends or patterns of discrimination. Data collection is vital in ensuring that transportation programs, services, facilities and projects effectively meet the needs of all persons. Data analysis is instrumental in WSDOT’s efforts to eradicate unlawful discrimination and mitigate protracted discriminatory effects.

Established sources of data and analysis tools used include:

- U.S. Census Data
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

All economic and demographic data used by WSDOT comes from reliable governmental sources responsible for collecting and vetting the information for consistency and accuracy.

**Environmental Analysis**

WSDOT requires an EJ analysis during the National Environmental Policy Act (NEPA) process for projects that receive federal assistance. EJ concepts addressed in NEPA compliance are documented in Environmental Impact Statements (EISs), Environmental Assessments (EAs) or documented Categorical Exclusions (CEs). Section 109(h) of the Federal Aid Highway Act also requires consideration of economic and social effects, which also applies to non-NEPA projects. With the nondiscrimination requirements of Title VI extending to all programs and activities of WSDOT, EJ concepts also apply to state funded projects. WSDOT’s EJ process includes:

- Defining the project and conducting demographic analysis.
- Developing a communications plan including specific EJ communication strategies for continuous and meaningful involvement.
- Identifying potential impacts, mitigation and benefits.
- Documenting methodology, findings and public involvement.
Developing and providing training to WSDOT employees to ensure they meet the goals of Title VI of the Civil Rights Act, Results WSDOT, Secretary’s Executive Order 1096, FHWA’s Title VI compliance review program, and Governor’s Executive Order 14-04.

Community Engagement

Federal law, state law, and WSDOT policy require community engagement. The Community Engagement Plan is available at the following link: [www.wsdot.wa.gov/sites/default/files/2017/02/28/FinalCEP2016.pdf](http://www.wsdot.wa.gov/sites/default/files/2017/02/28/FinalCEP2016.pdf)

The Community Engagement Plan provides guidance to WSDOT employees and the public on WSDOT’s community engagement program and processes. It also provides strategies and recommendations for collecting and using demographic data, and details tailoring outreach activities to traditionally underserved populations.

The objectives identified in the Community Engagement Plan relevant to Title VI requirements can be summarized as:

- Nondiscriminatory processes and activities.
- Early and continuous public involvement.
- Inclusionary practices in activities and notifications.
- Consideration of the needs of the traditionally underserved.
- Collaboration with other agencies, tribal and local governments, private sector representatives and other officials.
- Convenient and accessible meeting times and locations.
- Reasonable access to information.
- Timely notice of engagement activities, including review periods.
- Acknowledgment and consideration of public comments.

Failing to account for variety in cultural expectations, language, literacy, or income and affordability can create barriers to full participation. In order to have participation that can ultimately inform decision-making, WSDOT shall identify the area demographic(s) and develop an effective approach for outreach and communication. WSDOT recognizes that outreach strategies that are culturally sensitive and tailored to the affected community can help achieve full and fair participation. Strategies, best practices, and other tools can be found within the Community Engagement Plan.

Tribal Consultation and Coordination

Federal regulations require WSDOT to conduct government-to-government consultation with tribal governments of federally recognized Native American Tribes in our transportation planning and program activities. WSDOT maintains government-to-government relations with 34 federally recognized tribal governments. The Tribal Consultation Model provides comprehensive guidance on consultation processes and recommended consultation activities for each type of project under the NEPA review (i.e. CE, EA and EIS). The model is available on WSDOT’S Environmental Services Office webpage: [www.wsdot.wa.gov/environment/tribal](http://www.wsdot.wa.gov/environment/tribal).
Access to Records

WSDOT commits, during normal business hours, to provide FHWA with Title VI Program-related documentation upon request.

Training

WSDOT’s Title VI training consists of presentations to internal and external audiences statewide. A summary of training conducted is reported in the Annual Update and Accomplishments Report. OEO program staff conduct various Title VI trainings. Training topics include Title VI, ADA, EJ, Community Engagement, EEO contract compliance, DBE Support Services, and OJT Support Services. Individual and targeted training sessions have been conducted to benefit specific geographic areas, entities, or program areas upon request. OEO is currently working on developing online trainings to extend its reach to engage with more customers.

While OEO has in the past made plans to make classes geographically accessible to stakeholders in all areas of the state, it is now focused on developing web-based material. In-person trainings will not be discontinued, but may decrease in number from year to year to correspond with demand. Internally, OEO aims to institute required Title VI training for all WSDOT employees every two years.

Program Area Reviews

WSDOT’s Title VI group facilitates compliance with Title VI through annual program area reviews.

Program area reviews assess efficacy pertaining to:

- Self-monitoring and corrective action.
- Documentation and reporting of Title VI activities.
- Implementation of Title VI information and vital documents in languages other than English.
- Data collection used to assess high and adverse impacts on EJ populations.

WSDOT determines the effectiveness of program activities by collecting data and isolating patterns and trends. If Title VI staff identify trends or patterns of discrimination, they will then tailor corrective actions specific to the individual program area. Title VI staff and program liaisons will then monitor the corrective action to see that it has resulted in the desired effect. The period for completion of a corrective action typically does not exceed 90 days.

Collecting information from program areas with Title VI, LEP or EJ activities is essential to WSDOT’S work in compiling an Annual Update and Report. Title VI specialists gather information from Title VI liaisons through a Program Area Review Questionnaire. The questionnaire includes general questions regarding Title VI complaints, employee Title VI training and questions specific to each program. The Title VI coordinator monitors the progress of Program Area Reviews to ensure timely completion, and assists liaisons looking for more guidance on these reports. As indicated in last year’s Annual Update, WSDOT data reviewed in prior years has been instrumental in identifying resources and establishing uniform practices.
In accordance with 23 C.F.R. 200.9 (b)(5), OEO Title VI staff will conduct, at a minimum, one annual in-depth review of a special emphasis program area. Criteria used in selecting the program area for review may include:

- Observations during the annual Title VI/Nondiscrimination Program Area Reviews.
- Title VI complaints, concerns, or questions by internal or external parties.
- Deficiencies or observations identified in recent FHWA Program assessments or reviews.

Deficiencies in a program will result in Title VI staff providing the program area with guidance in developing an action plan to address necessary corrective actions, or procedural or organizational changes. As with general program area reviews, Title VI liaisons will support Title VI staff in ensuring that program areas apply corrective actions expeditiously. The results of these processes will appear in the Title VI/Nondiscrimination Program Process Reviews portion of the Annual Update and Accomplishments Report.

**Programs with Significant Title VI Responsibilities**

In this section are descriptions of emphasis areas whose Title VI activities demand closer attention, as well as information on the resources they employ to ensure nondiscrimination.

**Local Programs Division**

The WSDOT Local Programs (LP) Division has oversight responsibilities to ensure that cities, counties and Metropolitan/Municipal Planning Organizations (MPOs) comply with the administrative requirements of Title VI. LP Division performs project management reviews to ensure local agencies adhere to the Title VI administrative requirements and advice, and assist local agencies in the management of Title VI complaints.

**Review Procedures**

As a recipient of federal financial assistance, WSDOT must ensure non-discrimination in the delivery of its programs, services, and activities. LP Division complies with federal statutes by conducting compliance reviews of federally funded projects. These reviews are:

- Plans, Specifications, and Estimates (PS&E) review – Ensure FHWA-1273 and Title VI Non-Discrimination provisions are included in all federally funded construction projects.
- Project Management Reviews (PMR) – A comprehensive review of an entire project to ensure the project and the local agency comply with federal requirements.
- Title VI Compliance review – WSDOT OEO and LP conduct periodic compliance reviews of local agencies with approved Title VI plans. The review will focus on the effectiveness of the Title VI Implementation Plan.
- Project Documentation review – Region LP Offices conduct periodic review of construction projects to ensure compliance with federal requirements. This is a spot check review to be conducted a minimum of one review per local agency per year.
In the event where deficiencies are identified during the reviews, the local agency will be apprised at the conclusion of the review. A Corrective Action Plan shall be prepared by the local agencies to address the deficiencies.

WSDOT Local Agency Guidelines (LAG) Manual provides guidance for complying with the Title VI requirements for local agencies. Other non-discrimination guidance with a focus on LEP and EJ can be found in the NEPA Guidebook for Local Agencies or the WSDOT Local Programs webpage at www.wsdot.wa.gov/localprograms/.

Data Collection and Reporting

LP Division collects Annual Title VI Update and Accomplishment (AUAR) Reports from all local agencies. The AUAR reports are forwarded to the WSDOT OEO Title VI coordinator for review and approval.

Training

LP Division provides technical support for local agencies in the development of their Title VI Implementation Plan and Title VI AUAR reports.

Public Transportation Division (PTD)

The Public Transportation Program provides transportation alternatives for people who want to ride share, use bus services, ride bicycles or use other efficient transportation choices to get around. The program utilizes state and federal (primarily Federal Transit Authority (FTA)) funding sources to enable transit agencies and other grant sub-recipients to administer and deliver capital equipment and construction projects. The program follows state and federal rules when awarding projects using an open and competitive process while complying with all requirements including DBE, ADA and Title VI.

PTD follows WSDOT’s Title VI plan administered by the OEO. PTD performs an oversight role which includes site visits and periodic review of sub-recipient projects including their Title VI plan. PTD ensures that services and related benefits are distributed in an equitable manner and that no one is discriminated against or denied a benefit based on the grounds of race, color or national origin.

Data Collection and Reporting

Each sub-recipient is required to submit a Title VI plan to WSDOT that explains the organizations strategy to identify and track complaints. These plans are reviewed biannually. Sub-recipients report any complaints, including status and actions taken, as part of their quarterly statistical reports.

Efforts in Public Education

Title VI notices are provided on public meeting materials, communication materials, and project flyers. These notifications include the WSDOT’s commitment to non-discrimination, along with contact details to file a complaint or seek additional information. Community outreach and engagement activities (presentations, training, workshops) are provided throughout the year.
and upon request from community and faith-based organizations, communities of color and tribal nations. These communications include native language media (print, radio and television).

**Implementation of the LEP Plan**

Timely and reasonable language assistance is part of Title VI training. Individual consultation and technical assistance is provided to local entities upon request and includes practical examples of leading practices in the provision of linguistically appropriate services tailored to the capacity and needs of LEP individuals in their respective communities. WSDOT utilizes the Department of Enterprise Services (DES) master contracts for translation and interpretive services such as:

- Communication Access Real Time Translation (captioning)
- Interpreter Services (spoken)
- Interpreter Services (telephone)
- Flyers in Multiple Languages
- Sign Language Interpreter and Translation Services (written word)

An LEP Plan is required in each Title VI Implementation plan submitted by sub-recipients. Data collected is used to assess disparate or disproportional impacts to LEP populations. LEP plans are reviewed annually for compliance at the time the Accomplishments Report is updated and published.

**Implementing EJ Requirements**

PTD works with Metropolitan/Municipal Planning Organizations (MPOs) and Regional Transportation Planning Organizations (RTPOs) during development of the Human Service Transportation Plan (HSTP) to ensure that a robust stakeholder group is part of the planning process. The state emphasizes a comprehensive public participation process and participates in the HSTP development to ensure that LEP, minority and low-income populations are represented.

**Responsibilities for Program Area Liaison**

PTD staff conducts desk audits and on-site reviews of FTA sub-recipients to ensure they are complying with all federal requirements. The PTD Title VI program manager reviews the sub-recipient Title VI plans for compliance.

**Communications Division**

Communications Division staff coordinates agency communications to provide information to the public about the WSDOT’s activities. Communications Division staff provides information about highway construction and maintenance projects, traffic and road conditions, agency performance and much more. Communications Division staff also responds to inquiries from the public through e-mail, as well as by telephone, and refers questions to the appropriate
subject matter experts within WSDOT. The WSDOT Communications Manual provides guidance for meeting ADA, LEP, and Title VI requirements.

**Title VI Responsibilities**

- Require that news releases announcing public meetings, open houses, or other public events must all include ADA, and Title VI notices. WSDOT Communications has an edit team to review all WSDOT news releases prior to distribution to meet this requirement.

- Gather Title VI information from WSDOT’s communication staff and draft HQ Communications’ portion of the Annual Title VI Accomplishment and Update Report.

- Graphic Communications staff ensures all public documents include the ADA and Title VI notices. They can produce materials in other formats on request.

**Construction Division**

The Construction Office is responsible for the administration of new construction projects. 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. The majority of nondiscrimination activities within Construction are through WSDOT’s extensive Contract Compliance Program, covering DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) use and compliance; EEO; OJT; and prevailing wage compliance.

**Title VI Responsibilities**

In addition to employing the General Special Provisions (GSPs) for DBEs and for EEO in compliance with federal requirements, the construction office applies additional guidelines to:

- Review activities and programs to ensure that construction efforts, activities, and resources are applied uniformly and fairly.

- Review all projects for application of DBE program requirements.

- Include appropriate DBE GSPs in those projects with assigned goals in federally assisted contracts.

- Include Title VI language in contract advertisements and award letters to emphasize WSDOT’s nondiscrimination policy and encourage the utilization of DBE firms.

- Coordinate the gathering of construction project information for the Annual Accomplishment and Update Report.

**Consultant Services Office (CSO)**

The CSO is responsible for the procurement of department-wide architectural, engineering and personal services. Personal services contracts may include contracts for transportation studies, media and public involvement.
Consultant Selection Process

Selection of consultants is made either by the Consultant Selection Board process, or from a scored and ranked register. Upon selection of consultants, the office assists the WSDOT’s project managers with negotiation and administration of those contracts.

All public hearings and meetings require the development of procedures for the collection of statistical data (race, color, sex and national origin) on state highway program participants and beneficiaries such as relocatees, impacted citizens and affected communities. Public Involvement Forms are available for meeting attendees to complete. This form requests attendees to provide information on their race, ethnicity, national origin and gender. It is available in English, Spanish, Korean, Russian, Vietnamese, Tagalog, and Traditional and Simplified Chinese at: www.wsdot.wa.gov/equalopportunity/PoliciesRegs/titlevi.htm

Title VI Responsibilities

WSDOT’s CSO staff supports Title VI compliance by:

- Monitoring compliance with DBE program requirements in contracts.
- Ensuring DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) have equal access to Consultant Services contracts.
- Ensuring that all federally funded consultant contracts administered by CSO have the appropriate Title VI provisions included.
- Reviewing and revising directives and procedures to ensure the presence of Title VI language.
- Gathering and organizing the necessary data and documentation required for completion of the department’s Annual Title VI Accomplishment and Update Report for CSO.
- Providing Title VI training and assistance in the development of Title VI compliance assurances for consultants.

Design Office

The Design Office in the Development Division performs studies to assess various environmental factors that relate to project development. The office also provides technical support to WSDOT’s regions during the project development process.

Design Process

The economic, social, topographic and environmental impacts of a proposed project are key factors when considering project location. Federal, state, local and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens, including minorities and low-income populations, an opportunity to obtain project-affected information and to express their opinions on proposed project locations. Special efforts may be made to inform members of minority and low-income communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible locations and times for public hearings.
Title VI Responsibilities

WSDOT’s Design Office staff supports Title VI compliance by:

- Ensuring the processes through which project location are selected comply with Title VI nondiscrimination requirements.
- Consulting and seeking input from all affected populations, including minority, low-income, disabled and elderly individuals.
- Developing mechanisms to identify minority and low-income populations affected by WSDOT’s design activities.
- Ensuring equal access to public consultation forums throughout the project selection process.
- Providing notice of all public consultation forums in minority newspapers and newsletters and in languages other than English when needed.
- Gathering and maintaining required Title VI compliance documentation and statistical data at public meetings, hearings and consultation forums.
- Monitoring all Design Program functions and activities for compliance with Title VI.
- Reviewing all the activities associated with public hearings to enhance the participation of minority and low-income communities.
- Reviewing and updating operational manuals and directives to ensure the inclusion of current Title VI language and provisions.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Design Office’s portion of the Annual Title VI Accomplishment and Update Report.

Environmental Services Office (ESO)

The ESO assists the regions and modes in integrating environmental considerations and regulatory requirements into WSDOT’s transportation program. ESO provides technical expertise for project analysis, develops environmental policies, procedures, manuals, and training, and works with regulatory agencies to streamline the environmental permitting process. ESO is located within WSDOT’s Development Division.

Environmental Analysis Process

A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic impacts. WSDOT conducts an Environmental Justice (EJ) analysis if the demographic analysis shows the presence of an EJ population within the study area. The analysis compares the adverse impacts to the EJ population to the adverse impact to the non-EJ population within the study area. The analysis specifically addresses:

- Whether minority or low income populations bear a disproportionally high and adverse impact.
- Possible mitigation measures to avoid or minimize any adverse impacts.
• Special relocation considerations for affected groups and the measures proposed to resolve these relocation concerns.
• Public response to the project and proposed mitigation.
• A summary of how the project design was changed to address public concerns.

Depending on the scope, complexity and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE) or Environmental Assessment (EA), and/or a NEPA and State Environmental Policy Act (SEPA) Environmental Impact Statement (EIS) will be completed. ESO also develops agreements, guidance, documents and training programs in conjunction with the regulatory and resource agencies.

Data Collection

ESO collects data regarding EJ on every WSDOT project subject to NEPA. ESO works closely with project teams engaged in EAs and EISs responsibilities associated with Title VI compliance. Additionally, ESO reviews a subsample of NEPA CEs in accordance with the Programmatic Agreement between WSDOT and FHWA.

Title VI Responsibilities

WSDOT’s ESO staff supports Title VI compliance by:

• Collecting demographic data, assessing benefits and burdens of WSDOT actions, and proposing mitigation, as appropriate.
• Monitoring compliance with Title VI and EJ requirements during the social, economic, and environmental analysis of the NEPA process.
• Gathering and organizing environmental program area data for the Annual Title VI Accomplishment and Update Report.
• Developing mechanisms to identify affected group members of the population affected by a project.
• Ensuring Title VI and EJ compliance in all NEPA documents.

Maintenance Operations Division

The Maintenance Operations Division oversees the day-to-day needs of maintaining the state’s highway system including its highway lane miles, bridges, mountain passes and Safety Rest Areas (SRA). SRAs provide highway travelers safe and convenient facilities to rest before continuing with their journey. WSDOT owns and operates 47 SRAs within the state, 28 of these are located on the interstate system. With the exception of three of the smaller sites, these facilities are open to the public 24 hours a day, 7 days a week. The SRA program provides signage at rest room facilities that use universal symbols for men and women, as well as a Braille translation. All SRAs provide universal access for rest, traveler information, and restroom facilities.
Title VI responsibilities

WSDOT’s Maintenance Operations Division staff supports Title VI compliance by:

- Monitoring all maintenance operations to ensure nondiscrimination in job assignments and contracting.
- Reviewing activities and programs to ensure that maintenance efforts and resources are applied uniformly and fairly.
- Ensuring equal access to DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) to compete for maintenance service contracts.
- Ensuring maintenance services are provided in a nondiscriminatory manner, including disseminating information about services in languages other than English.
- Coordinating the gathering of maintenance project information and organizing the information for WSDOT’s Annual Title VI Accomplishment and Update Report.

Multimodal Planning Division

The Multimodal Planning Division is responsible for developing long and short-range plans to provide efficient transportation services to the citizens of the State of Washington. This division includes WSDOT HQ and Region Planning, Systems Analysis and Planning, and Community Engagement.

Data Collection

Data from Community Engagement interactions is collected via standardized sign-in sheets through which participants have an opportunity to share valuable Title VI information. Data collected at times includes photos taken during WSDOT events. The Planning Division and region planning offices uses Census data to determine the number and location of persons with LEP. For Eastern Region, GIS Census data is typically reviewed and the need to provide LEP services is discussed with the WSDOT Title VI program specialist.

Dissemination of Title VI information

Title VI information is included in meeting, workshop, open house announcements, event sign-in sheets, and other articles disseminated to the public. Eastern Region recently began providing Title VI information in large poster format at community engagement sign-in tables. The WSDOT Community Engagement Plan is presented during public meetings and the Title VI program specialists are introduced whenever possible.

Planning Process

A comprehensive transportation planning process is used to incorporate input from the public. The Community Engagement Plan is used to design community engagement efforts. The Planning Division also coordinates with MPO, RTPO, urban transportation planning, and public involvement teams to provide Title VI related information.
Where appropriate, the Planning Division and region planning offices engage the public via attendance at community meetings and events. This division hosts planning and project development workshops, open houses and meetings, as well as presents planning and project development on WSDOT, neighborhood, MPO, RTPO and local agency websites and social pages.

**Title VI Responsibilities**

WSDOT’s Planning office staff supports Title VI compliance by:

- Ensuring that all aspects of the transportation planning process operations are conducted in a nondiscriminatory manner and comply with all provisions of Title VI.

- Providing notices to the public about open houses and other opportunities to comment on plans.

- Analyzing demographic information and providing information in languages other than English when a LEP population of five percent or 1,000 or more persons have been identified in any given affected project area. Hiring interpreters and initiating contracts for translation services.

- Ensuring full participation of all constituents impacted by the WSDOT’s transportation planning processes by disseminating program information to minority media and participating in roundtable meetings and other public forums in affected communities.

- Assisting the Title VI specialists in gathering and organizing the Planning Office portion of the Annual Title VI Accomplishment and Update Report.

- Reviewing the Planning Office work program, MPO Procedures Manual and other directives to ensure compliance with Title VI program requirements.

- Visiting Citizen Advisory Committee meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority communities.

- Collecting data on gender, race, and national origin from public forum attendees.

**Project Development Division**

The WSDOT Project Development Division is made up of six branches that support all modes, projects, and agency programs through policy development and guidance, as well as direct support. These offices include the Design Office, Environmental Services, Bridge and Structures, Real Estate Services, Technical Services and Research.

The key branches within the Division for Title VI compliance are Environmental Services, Real Estate Services, and Technical Services offices. The other offices are insular as far as the scope of services provided being limited to supporting WSDOT internally. All procurement of services for the Division is performed through the Consultant Services Office, described above.
Purchasing and Materials Management Office

The Purchasing and Materials Management Office buys goods and services via purchasing contracts established by the Department of Enterprise Services. These contracts are re-bid or renewed on an annual or biennial basis.

Purchasing Process

The Purchasing and Materials Management Office ensures an efficient program for purchasing and materials management by utilizing state resources in the most economical way for the purchase of supplies, equipment, and materials.

Title VI Responsibilities

WSDOT’s Purchasing office staff supports Title VI compliance by:

- Monitoring and revising, as necessary, all purchasing and materials management operations to ensure nondiscrimination.
- Ensuring equal access to DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) to compete for and obtain purchasing contracts.
- Coordinating the gathering of purchasing process information and organizing the information for the Annual Title VI Accomplishment and Update Report.

Rail, Freight and Ports Division (RF&P)

The RF&P promotes rail passenger and all rail freight service in cooperation with Amtrak and other rail lines.

Title VI Responsibilities

WSDOT’s RF&P staff supports Title VI compliance by:

- Monitoring all policy, planning and grant operations to ensure nondiscrimination.
- Reviewing activities and programs to ensure that grant application and approval processes are applied uniformly and fairly.
- Ensuring equal access to DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) to compete with obtaining grants.
- Coordinating the gathering of RF&P process information and organizing the information for the Annual Title VI Accomplishment and Update Report.

Real Estate Services Office (RES)

The RES manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. The RES is a part of the Project Development Division.
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, conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, and non-profit organizations.

Dissemination of Title VI Information

RES apprises all affected property owners, tenants, and others involved, of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

Limited English Proficiency

RES maintains brochures/letters in Spanish and Vietnamese that relate to the delivery of the RES program. The brochures and required relocation notices are available on the external RES website at www.wsdot.wa.gov/RealEstate/Translated_Brochures.htm.

RES also hires interpreters as needed for projects that require translation to another language for documents, meetings with property owners/tenants, and public hearings. Translation services are dictated by project needs.

Other Title VI Responsibilities

RES works toward uniformity and fairness in treatment by ensuring the participation of DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE), as identified by the Office of Minority and Women’s Business Enterprises, in Personal Service Contracts. These contracts include all services related to real estate including contracts for appraisal, negotiation, relocation and property management. Priorities for this office include:

- Ensuring participation by DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) through updates to fee appraiser directories identifying minority and female appraisers.

- Notifying all affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

- Monitoring all program functions for compliance with Title VI provisions throughout the entire real estate acquisition process.

- Incorporating Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. RES reviews printed materials to make sure all appropriate Title VI language appears in the appropriate areas of RES documents. Relocation agents are required to complete an occupancy survey of each displaced person which includes questions relative to the Title VI program.

- Ensuring that appraised values and communications associated with the appraisal and negotiation operations are conducted in a uniform and equitable manner.
• Ensuring comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.

• Including the appropriate Title classes (Appendices 2 and 3) with all deeds, permits, and leases.

• Gathering and organizing the statistical data required for RES’s portion of the department’s Annual Title VI Accomplishment and Update Report, including awards to minority and female appraisers, number of relocations, etc.

Research and Library Services Office

The Research and Library Services Office in the Safety, Quality and Enterprise Risk Division is responsible for developing research projects that include not only engineering-related projects, but other areas such as transit, transportation and environmental studies, and socio-economic analysis.

Research Development

Projects for research are prioritized based on the WSDOT’s 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. Department program personnel regularly monitor research projects to ensure they are conducted in a non-discriminatory manner.

Title VI Responsibilities

WSDOT’s Research and Library Services Office staff supports Title VI compliance by:

• Administering the Research Program consistent with section 1001(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178) and 49 C.F.R. part 26.

• Verifying the use of a nondiscriminatory process for the selection of grant recipients.

• Developing procedures to promote the participation of minorities and women in all aspects of a research project.

• Verifying that Title VI Assurances are included in all research contracts and agreements.

• Assisting the Title VI specialists in gathering and organizing the reporting data for the Research Office portion of the Annual Title VI Accomplishment and Update Report.

• Reviewing Research Office internal operational procedures, guidelines, directives, and policies to ensure compliance with Title VI requirements.

• Documenting accomplishments and promptly correcting Research Office related Title VI program area deficiencies.

Staff Development Division

The Staff Development Office manages the administration of training within WSDOT, including training provided by the National Highway Institute (NHI).
Education and Training Process

A training matrix, a listing of training courses that are required or recommended, has been established for every major job classification within WSDOT. WSDOT managers can access upcoming courses and register employees through an automated training management system as training needs arise.

Title VI Responsibilities

WSDOT’s Staff Development Office staff supports Title VI compliance by:

- Ensuring that all employees have equal access to training.
- Ensuring DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) have access to compete for training contracts.
- Maintaining program administration documentation and data necessary for preparing the Annual Title VI Accomplishment and Update Report, including attendance data for NHI and Washington Management Service courses.
- Coordinating and organizing the reporting data for the Staff Development portion of the Annual Title VI Accomplishment and Update Report.
- Annually reviewing and revising Staff Development Division directives and manuals to ensure adherence with Title VI requirements.

Toll Division

The Toll Division is responsible for managing traffic and funding major transportation projects, and overseeing the operations of Washington State’s tolled facilities. Its mission is to fund, develop and operate an integrated network of toll roadways and bridges that improve safety and reliability for state highway patrons. The Toll Division provides strategic leadership across the state for the advancement of tolling and other innovative methods of funding that improve the transportation system.

Title VI Responsibilities

WSDOT’s Staff Development Office staff supports Title VI compliance by:

- Reviewing activities and programs to ensure that traffic management efforts, activities, and resources are applied uniformly and fairly.
- Ensuring the full participation of constituents impacted by the WSDOT’s transportation management processes by disseminating program information to minority media and, participating in roundtable meetings and other public forums in affected minority communities. Providing information in languages other than English when a LEP population of five percent or 1,000 or more persons has been identified in an affected project area.
- Assisting the Title VI specialists in gathering and organizing the Toll Division’s portion of the Annual Title VI Accomplishment and Update Report.
- Ensuring Title VI language is included in every contract.
• Ensuring that all aspects of the transportation project funding process are conducted in a nondiscriminatory fashion and in a manner that complies with all provisions of Title VI.

Tribal Liaison Division

The WSDOT HQ Tribal Liaison Division focuses on government-to-government relations, communications, and education to help tribes and the WSDOT work effectively with each other. The HQ Tribal Liaison Division serves as a point of contact for tribes within the state of Washington and identifies additional decision makers and technical staff who can assist tribes with their questions or issues. Work related to Title VI usually involves clarifying the applicability of Title VI and Tribal Employment Rights Ordinances (TERO) in project agreements with tribes or for projects located on or near reservations.

Title VI Responsibilities

WSDOT’s Tribal Liaison Division supports Title VI compliance by:

• Ensuring that all aspects of the government-to-government relations, communications, and education processes are conducted in a nondiscriminatory manner and comply with all provisions of Title VI.

• Assisting the Title VI coordinators in gathering and organizing the tribal liaison’s portion of the Annual Title VI Accomplishment and Update Report.

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 coordinate efforts with OEO and HQ Title VI liaisons to ensure Title VI compliance. Regional offices provide data, statistics and information regarding Title VI compliance to their respective HQ offices for inclusion in WSDOT’s various Title VI monitoring, compliance and reporting activities.

WSDOT’s Ferry Division (WSF)

The WSF operates as a public entity that provides marine transportation services to state residents and visitors seeking mobility in the waters of Puget Sound. WSF operations are funded through a number of different state and federal funding sources, including the United States Department of Transportation (USDOT). Title VI of the Civil Rights Act of 1964 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 programs and activities. WSF is a major recipient of USDOT funds and is therefore subject to the provisions and administrative requirements of Title VI.

The following portion of WSDOT’s Title VI Plan delineates the civil rights responsibilities of WSF under the jurisdictions of FHWA and FTA. WSDOT submits a Title VI Plan (which primarily focuses on WSF’s Title VI activities) to FTA every three years. It should be noted here that FTA’s 2017 review of WSF’s operations resulted in no negative findings related to Title VI concerns. Title VI implementation within WSF operations is divided into 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 Appendices (DOT 1050.2) as adopted by WSDOT.

All Title VI complaints originating from any of the WSF special emphasis program areas will be handled according to the approved procedures delineated in WSDOT’s Title VI Plan. There are no such Title VI complaints for the current reporting period.

**WSF Vessel Engineering and Maintenance Department**

The WSF’s Vessel Engineering and Maintenance Department is responsible for the administration of WSF’s vessel construction, preservation, and maintenance contracts with private shipyards.

**Construction Process**

The Vessel Engineering and Maintenance Department is responsible for developing an efficient program for vessel construction, preservation, and maintenance using human, equipment and material resources in the most economical way possible. The Vessels Department also sets policy and provides guidance and oversight for the decentralized administration of vessel construction and maintenance projects. WSF’s Contracts and Legal Services Department advertises and awards all contracts to private shipyards.

**Title VI Responsibilities include:**

- Reviewing activities and programs to ensure nondiscrimination in all aspects of vessel construction.
- Reviewing activities and programs to ensure nondiscrimination in all aspects of vessel preservation and maintenance.
- Reviewing all federally funded projects for the application of DBE program requirements.
- Including appropriate DBE general special provisions in all federally assisted projects with DBE goals.
- Including Title VI language in all contract advertisements and award letters to encourage the utilization of DBE firms.
- Assisting OEO in providing support services to DBE’s.
- Coordinating the gathering of vessel construction/maintenance data for the Annual Title VI Accomplishment and Update Report.

**Vessel Maintenance**

The WSF Vessel Maintenance Office is responsible for the development of a program that ensures reliable and safe vessel service.
Maintenance Process

The WSF’s Vessel Engineering and Maintenance Department provides guidance and oversight for the administration of system-wide vessel maintenance projects. A major Department priority is to preserve existing assets and provide support to the Operations Department to provide a safe and reliable service to the public.

Title VI Responsibilities include:

- Monitoring all vessel maintenance activities to ensure nondiscrimination.
- Reviewing activities and programs to ensure that vessel maintenance efforts and resources are applied uniformly and fairly.
- Reviewing all federally-funded projects for the application of DBE program requirements.
- Including DBE GSPs in those projects with assigned DBE goals.
- Including Title VI language in contract advertisements and award letters to encourage the utilization of DBE firms.
- Assisting OEO in providing support services to DBEs.
- Including Title VI language in every contract.
- Coordinating the gathering of vessel maintenance information for the Annual Title VI Accomplishment and Update Report.

WSF Terminal Engineering Department

WSF’s Terminal Engineering Department is responsible for developing an efficient program for ferry terminal construction, preservation and maintenance using human, equipment, and material, resources in the most economical way possible. The Department also performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. The Department also provides technical support to WSDOT Regions that may be involved during the project development process.

Design Process

Economic, social, topographic and environmental impacts of a proposed project are key factors weighed in location consideration. Federal, state, local and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens an opportunity to obtain information and express their opinions on proposed project locations. Special efforts will 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 locations and times for public hearings.

Title VI Responsibilities include:

- Ensuring that all aspects of a project’s location selection process comply with the nondiscrimination requirements of Title VI.
- Seeking input from all affected populations, including minority, and low-income persons.
• Developing mechanisms to gather demographic data to identify populations affected by WSF activities.
• Promoting equal access to public consultation forums regarding the location selection process.
• Providing notice of public consultation forums in minority newspapers and newsletters and in languages other than English when needed.
• Gathering and maintaining required Title VI compliance documentation and statistical data.
• Monitoring all project functions to ensure compliance with Title VI requirements.
• Reviewing the attendance records for public consultation forums to ensure the participation of affected minority and low-income communities.

Construction and Maintenance

The Terminal Engineering Department is responsible for contract administration, construction inspection, and engineering support for ferry terminal construction, preservation, and maintenance efforts. The Department also has a responsibility to follow statewide policy as well as establish and follow policy specific to the administration of terminal construction, preservation, and maintenance contracts.

Title VI Responsibilities include:

• Reviewing activities and programs to ensure nondiscrimination in all aspects of the terminal construction and maintenance process.
• Reviewing all federally funded projects for the application of DBE program requirements.
• Including appropriate DBE GSPs in all federally assisted projects with DBE goals.
• Including Title VI language in all contract advertisements and award letters to encourage the utilization of DBE firms.
• Assisting OEO in providing support services to DBEs.
• Monitoring Title VI compliance at all levels of the federally assisted terminal construction and maintenance process.

WSF Training and Development Department

The WSF’s Training and Development Department provides overall training program administration within WSF. The Department provides training required to comply with federal, state, and international law. The Department also provides other necessary training to enhance both the technical and general skills of WSF personnel and the safety and health of the WSF workforce. The Department interfaces with WSDOT Office of Human Resources and its Staff Development Office to provide NHI and engineering training, employee development, and management development training, as appropriate.
Education and Training Process

A training matrix, a list of training courses that are required or recommended, has been established for every major job classification within WSF. WSF managers 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 and Development Department will monitor these requirements within WSF and schedule classes when necessary.

Title VI Responsibilities include:

- Ensuring that all employees have equal access to training appropriate to their position or assignment.
- Ensuring accessibility to DBE and Minority, Small, Veteran’s, and Women’s Business Enterprises (MSVWBE) consulting and/or training firms to compete for training contracts.
- Maintaining program administration documentation and data necessary for the preparation of the Annual Title VI Accomplishment and Update Report, including attendance data for all formal training conducted.

Sub-recipient Reviews

Title VI reviews are performed annually through a desk review based on the Annual Update and Accomplishments Report submitted to the OEO Title VI Program. The Title VI sub-recipient review process analyzes in each LPA, MPO, RTPO and other sub-recipients for the following:

- Title VI/Nondiscrimination policy statement
- Citing of authorities
- Organization and identification of Title VI staff
- Program emphasis areas compliance responsibilities
- Title VI Standard Assurances and Appendices (DOT 1050.2A) in relevant documents
- Complaint procedures
- Assessment of EJ responsibilities
- Collection and analysis of data for Title VI purposes
- Title VI/Nondiscrimination Plan
- Processes for nondiscriminatory public outreach
- Plan for addressing LEP populations

On-site reviews allow Title VI staff to assess the actions of sub-recipients for congruence with their respective Title VI Plans. OEO develops a schedule of reviews through consultation with FHWA’s Washington Division Office of Civil Rights and the use of a matrix developed by the OEO.
Title VI Program staff. The matrix is used to score factors that will independently increase or decrease the occurrence of an on-site review. The factors considered are:

- Number of reports of discrimination or complaints based on Title VI
- Population size
- Number of WSDOT funded projects in the last three fiscal years
- Number of direct federal funded projects in the last three fiscal years
- Size of LEP population
- Percentage of students with free or reduced fee lunch

FHWA recommendations will supersede other determinations affecting the number and location of on-site reviews. Informal and preliminary findings may be communicated during the review. Formal findings from an on-site review will be reported to a sub-recipient within 30 days of conducting a review. The Title VI program staff reserves the option of recommending additional monitoring or sanctions to address a deficiency with Title VI requirements.

**Discrimination Complaint Process**

**External Complaint Procedures for Federally Assisted Programs and Activities**

External complaints alleging violations of Title VI involve a program or activity administered by WSDOT through LPAs, contractors, or other sub-recipients of USDOT financial assistance. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, including its DBE, EEO, and OJT Program components, and supplemental nondiscrimination statutes and regulations including the ADA.

Intimidation or retaliation is prohibited per Title 49, Code of Federal Regulations, Part 21.11 (e). The procedures do not deny the right of a 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 remedies that include punitive damages or compensatory remuneration for the complainant.

Per 49 C.F.R. 21.11 (d) (1) WSDOT will make every effort to obtain early resolution of a complaint at the lowest level possible. Where appropriate, WSDOT will seek guidance from the USDOT modality with jurisdiction over the matter.

Investigators will make every effort to pursue a resolution of a complaint. To that end, investigators may exercise the option of informal mediation meeting(s) between the affected parties, at any stage of the process. Initial interviews with the complainant and the respondent will inform the investigator with opportunities for redress or settlement.

WSDOT will not investigate complaints that name WSDOT as a respondent. With respect to these matters, WSDOT will refer the complaint to the USDOT modality with the appropriate authority and jurisdiction over the program or activity referenced in the complaint.
Complaint Procedures

1. Any person who believes they, or a specific class of persons, were subjected to discrimination on an impermissible basis may file a complaint with OEO.

2. A complaint may be filed electronically through OEO’s online form or via correspondence addressed to OEO. WSDOT’s online complaint form can be found at the following address: www.wsdot.wa.gov/EqualOpportunity/complaints.htm. Complainants alleging violations by telephone will have their statements in written form. These statements will be provided to the complainant for confirmation or revision before processing.

3. Per 49 C.F.R. §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the WSDOT.

4. A complaint should contain at least the following information:
   - A written explanation of what has happened.
   - A way to contact the complainant.
   - The basis of the complaint (e.g., race, color, national origin).
   - The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated.
   - Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance.
   - The date(s) of the alleged discriminatory act(s). Please indicate if the alleged discrimination is on-going.

5. Upon receipt of the complaint, OEO will determine its jurisdiction, acceptability or need for additional information before initiating its investigation. In cases where the complaint is against one of WSDOT’s sub-recipients of federal highway funds, WSDOT will assume jurisdiction and will investigate and adjudicate the case.

6. Acceptance of a complaint will be determined by:
   - Whether the complaint is timely filed.
   - Whether the allegations involve an impermissible basis for discrimination (e.g. race, color, national origin).
   - Whether the allegations involve a program or activity of a federal-aid recipient receiving federal assistance through the WSDOT.
   - Whether the complaint is within the administrative authority of WSDOT.

7. A complaint may be dismissed for the following reasons:
   - The complainant requests the withdrawal of the complaint.
   - The complainant fails to respond to repeated requests for additional information needed to process the complaint or otherwise fails or refuses to cooperate in the investigation.
   - The complainant cannot be located after reasonable attempts to contact him or her.
8. OEO has sole authority for accepting complaints for investigation. OEO will acknowledge receipt of the complaint within five days of its submission whenever possible. The course of action following a complaint may include acceptance of the complaint for investigation, a request for additional information, a rejection of the complaint, or a referral to FHWA’s Office of Civil Rights. Complaints received by OEO are assigned a case number and logged in OEO’s case files.

9. Where WSDOT assumes the investigation of a complaint, OEO will provide the respondent with the opportunity to respond to the allegations by reasonable methods. The respondent will have 10 calendar days from the date when OEO first informs the respondent of allegations to furnish a response.

10. Within 30 calendar days of the acceptance of the complaint, WSDOT’s investigator will prepare a draft investigative report for review by the Director of OEO or the Attorney General’s Office (AGO) in the event that the Director of OEO is the investigator. Any qualified person may be designated by OEO to investigate a complaint. OEO reserves the right and has sole authority to designate a special investigator. A complaint report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. The AGO will have 10 calendar days to review and provide comments to the investigator. The investigator will address the AGO’s comments prior to forwarding the preliminary findings and investigative report to the Director of OEO for review.

11. The Director of OEO will have five calendar days to review the AGO’s comments of the investigator's findings and preliminary investigative report. The Director of OEO will address any modifications to the investigative report and approve its final release to the appropriate USDOT modality (FAA, FHWA, FTA, etc.).

12. Per 23 C.F.R. 200.9(b)(3), WSDOT’s final investigative report with the preliminary findings and a copy of the complaint will be forwarded to either FHWA Washington’s Division Office and FHWA’s HQ Civil Rights (HCA), FTA or FAA, within 60 calendar days of the acceptance of the complaint.

13. WSDOT OEO will notify the parties of its preliminary findings, which are subject to the corresponding USDOT modality’s concurrence.

14. The corresponding USDOT modality will issue its Final Agency Decision (FAD) to WSDOT based on the state’s investigative report.

15. Once the corresponding USDOT modality issues its final decision, WSDOT will notify all parties involved about such determination. USDOT’s final determination is not subject to an administrative appeal.

16. A complainant dissatisfied with USDOT’s FAD may file an action in a U.S. District Court.

**Limited English Proficiency**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on national origin. This type of discrimination may be manifested by an agency’s failure to provide meaningful access to individuals who have LEP.

An LEP individual is a person who does not speak English as his or her primary language and who has a limited ability to speak, read, write, or understand English. An LEP customer may also
be an individual with a disability, who due to the disability has a limited ability to communicate in English.

Executive Order 13166 (E.O. 13166) - Improving Access to Services for Persons With Limited English Proficiency - supplements an existing obligation under Title VI. E.O.13166 requires federal agencies to examine the services they provide, identify any need for services to LEP customers, and develop and implement a system to provide those services so LEP persons can enjoy meaningful access. USDOT obligations extend to all DOT funding recipients. All WSDOT division and project directors, and Title VI program liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions or projects.

WSDOT Language Access Plan

WSDOT OEO is responsible for the administration, compliance, monitoring and oversight of the LAP. WSDOT’s LAP is near update completion and should be finalized within six months of the submission of this report.

WSDOT’s LAP is designed to guide WSDOT’s divisions, program areas and regional offices in their acquiring translation, interpretation, and outreach services for LEP individuals seeking access to WSDOT programs. All directors, managers and Title VI program liaisons are responsible for ensuring that LEP individuals have meaningful access to services provided in their respective regions, divisions and offices.

OEO Title VI program staff are apprised of LEP guidance needs through regular communications with Title VI liaisons and through the annual Program Area Review questionnaire found in the Annual Update and Accomplishments Report. Monitoring and direct evaluation of methods for language service needs are activities left to each respective division or project. Conclusions from these communications are reported to FHWA through the Annual Update and Accomplishment Report.

LEP Data Collection

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

Data collected by region or program area is submitted annually to OEO (reporting period based on FFY October 1 to September 30). OEO, through the Annual Update and Accomplishments Report, gauges the effectiveness of the implementation policies contained in the LAP and highlights WSDOT’s best practices. When assessing specific LEP policies and procedures, OEO staff look to see whether regional or program staff are receiving LEP training and whether their activities demonstrate an overall adherence to the LAP.
Implementation of the Four Factor Analysis

As a recipient of federal funding, WSDOT must take reasonable steps to ensure LEP individuals have meaningful access to the information, programs and services it provides. In determining reasonable steps, four factors are considered:

1. The number and proportion of LEP individuals in the eligible service area;
2. The frequency with which LEP individuals come in contact with the program;
3. The importance of the service(s) provided by the program; and
4. The resources available to the WSDOT.

USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on the four factors listed above.

Further clarification is provided below for performing a self-assessment using the Four Factor Analysis:

1. **Demographics** - The decision to provide language assistance services should include an assessment of the number or proportion of LEP individuals from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of LEP individuals served or encountered, the more likely language services are needed. Generally, identifying any community where the LEP population is greater than five percent of the total or more than 1,000 LEP individuals appear automatically triggers providing language assistance services as a mandatory and an integral part of program operations.

2. **Frequency of LEP Contact** - WSDOT regions and program areas shall take into consideration how often various language groups come in to contact with a LEP customer. The greater the contact frequency, the greater the need for enhanced language services. For example, frequent contact with Spanish-speaking individuals who are LEP may require bilingual Spanish-speaking staff. Less frequent contact with other language groups may suggest a different approach. For programs where public outreach or public involvement is central to the mission, staff should consider targeted outreach to LEP individuals in order to increase the frequency of contact with these groups.

3. **Nature and Importance of the Services Provided** - Beyond looking at demography and frequency of contact, a consideration of the nature and importance of programs, activities and services that directly affect that population is required. As a rule, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individual, the more likely language services should be provided. Procedures must mitigate or correct the denial or delay of access to vital services, benefits, or information to LEP customers. Regular analysis and review of documents is important in determining language access.

Programs should consider what documents could be considered “vital” to access program services or benefits. Examples of vital documents may include:

- Documents critical for accessing services or benefits
- Letters requiring a response from a customer
- Documents informing customers of free language assistance
- Documents of legal significance (e.g. notification of rights)
4. **Available Resources** - At a minimum, WSDOT will identify the resources available to ensure that language assistance to LEP individuals will be provided to ensure equal access. The demographics frequency and importance of contacts will dictate the level of language services provided. Some language services can be provided at little or no cost, such as using community volunteers or bilingual staff as interpreters. Each program area should carefully consider the most cost-effective methods of delivering language access services.

**Environmental Justice (EJ)**

Title VI, Executive Order (E.O.) 12898, and subsequent USDOT and FHWA guidance mandate that WSDOT analyze the effects of WSDOT’s programs and activities on minority and low-income populations. EJ analyses are part of the environmental documentation completed under NEPA.

WSDOT uses EJScreen, a tool developed by the Environmental Protection Agency (EPA) to identify EJ populations. The tool uses data from the US Census Bureau and the American Community Survey to calculate demographic data through GIS. WSDOT provides complete instructions and a customized tutorial on how to use the EJScreen tool on WSDOT’s EJ webpage ([https://wsdot.wa.gov/environment/technical/disciplines/social-and-land-use-effects/environmental-justice](https://wsdot.wa.gov/environment/technical/disciplines/social-and-land-use-effects/environmental-justice)). The preferred secondary data source is school demographic data from the Office of Superintendent of Public Instruction (OSPI) website. Project-specific maps are included in project documentation, and project teams use this data in public participation plans for EJ and LEP considerations. According to agency guidance on the EJ webpages and consistent with the agency’s Community Engagement Plan, project offices use these resources to optimize outreach and inclusion of disadvantaged populations, including posting on project websites when appropriate. Major projects have external webpages that post the environmental documents.

As WSDOT continues to become more culturally competent, program areas are improving their incorporation of EJ considerations into their activities. Examples of inclusion and EJ at the project level include consultant support to assist with outreach and analysis on larger projects and LEP engagement through translated services. More information on the EJ analysis process can be found on WSDOT’s EJ webpage. Specific efforts to ensure the effective implementation of EJ requirements are included in WSDOT’s Annual Update and Accomplishment and Report.

**Review of State Transportation Agency Directives**

WSDOT incorporates Title VI policy and mission statements into its procedures and manuals. Additionally, by conducting Title VI/Nondiscrimination Program Process Reviews, OEO’s Title VI program ensures that Title VI requirements are included in program area directives and that Title VI/Nondiscrimination statements are included in contracting, procurement, and other transmissions.

Title VI/Nondiscrimination clauses from the USDOT Standard Title VI Assurances are included in all contracts as mandated by Title VI of the Civil Rights Act of 1964, including language contained in Appendices A through E.
Status of Corrective Actions

See Appendix 6, FHWA Title VI Compliance Review (2014), and Appendix 7, WSDOT’s Corrective Action Plan, submitted to the FHWA on June 17, 2016.

Compliance and Enforcement Procedures

This section outlines Title VI Program compliance and enforcement procedures to eliminate and address discrimination, and resolve deficiencies when noncompliance occurs.

Process to Identify/Eliminate Discrimination

WSDOT will actively pursue the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further the ability to identify and eliminate patterns of discrimination, OEO will ensure that staff, sub-recipients and beneficiaries are educated and informed regarding Title VI roles and responsibilities. Currently, work is underway to create a Learning Management System class for Title VI requirements.

To ensure compliance and enforcement procedures, OEO:

- Conducts compliance reviews.
- Provides technical assistance in the implementation of the Title VI program.
- Implements corrective action to correct deficiencies.

Deficiencies found through a compliance review are in written form. Efforts to secure voluntary compliance are undertaken in every noncompliance situation and are pursued through each enforcement action. OEO provides technical assistance and guidance to remedy instances of noncompliance and to ensure effective Title VI implementation and enforcement. Failure or refusal to comply with Title VI requirements may result in OEO initiating available administrative remedies.

Process to Resolve Deficiencies Identified By FHWA

Compliance with Title VI requires the Washington State Department of Transportation (WSDOT) to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by FHWA. WSDOT’s OEO will lead efforts to correct any deficiencies found by FHWA within a reasonable period of time not to exceed 90 days. WSDOT will make every effort to sustain a Title VI program in compliance with USDOT’s Standard Title VI Assurances, including Appendices A-E.

Standard Title VI Assurances

WSDOT incorporates Title VI policy statements into its procedures and manuals, including Local Agency Guidance (LAG) Manuals. Additionally, by conducting Title VI/Nondiscrimination Program Process Reviews, OEO ensures that Title VI policies are included in program area communications involving contracting, procurement, and operating procedures.
In accordance with Title VI guidelines, WSDOT incorporates Title VI/Nondiscrimination clauses from the U.S. DOT Standard Title VI Assurances into contracts, including language contained in Appendices A through E.

The Standard Title VI Assurances, signed by Roger Millar, WSDOT Secretary of Transportation, with Appendices A-E, are attached to this document and incorporated herein by reference.

Appendices

Appendix 1 USDOT Order 1050.2A (Standard Title VI Assurances)
   Appendix A
   Appendix B Clauses For Deeds Transferring United States Property
   Appendix C Clauses For Transfer Of Real Property Acquired Or Improved Under The Activity, Facility, Or Program
   Appendix D Clauses For Construction/Use/Access To Real Property Acquired Under The Activity, Facility Or Program
   Appendix E

Appendix 2 Secretary's Executive Order E 1087.00

Appendix 3 OEO Organizational Chart

Appendix 4 WSDOT Organizational Chart

Appendix 5 Title VI Program Brochure

Appendix 6 FHWA Title VI Compliance Review (2014)

Appendix 7 WSDOT Corrective Action Plan (June 17, 2016)

Appendix 8 WSDOT Regions Map
Appendix 1 – DOT Order No. 1050.2A

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 et seq.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209, (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 49 C.F.R. part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. part 28 (entitled Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation);
- 49 C.F.R. part 37 (entitled Transportation Services For Individuals With Disabilities (ADA));
28 C.F.R. part 35 (entitled Discrimination On The Basis Of Disability In State And Local Government Services);

28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm.

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FHWA.”

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

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA Programs:
1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

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

“The Washington State Department of Transportation (WSDOT), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

Signed by: [Name of Recipient]

(Signature of Authorized Official)

DATED 1 Oct 2018
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

   a. withholding payments to the contractor under the contract until the contractor complies; and/or

   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.
APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The Washington State Department of Transportation (WSDOT), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 Washington State Department of Transportation (WSDOT) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[], [and] (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)
APPENDIX C
CLauses for Transfer of Real Property Acquired or Improved under the Activity, Facility, or Program

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

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Washington State Department of Transportation (WSDOT) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Washington State Department of Transportation (WSDOT) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the Washington State Department of Transportation (WSDOT) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)
APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Washington State Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Washington State Department of Transportation will there upon revert to and vest in and become the absolute property of Washington State Department of Transportation and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC§ 471, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
Title VI Policy

I. Introduction

A. Purpose

This Secretary's Executive Order sets forth the Washington State Department of Transportation's (WSDOT's) policy of compliance with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259).

B. Background

Executive Order 12898 on Environmental Justice (EJ) requires WSDOT to adhere to the provisions of Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969 in order to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects on minority populations and low-income populations.

Executive Order 13166 on Limited English Proficiency (LEP) is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of federal financial assistance from discrimination based on national origin by failing to provide meaningful access to services to individuals who are limited in English proficiency.

II. Secretary's Executive Order

No person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any WSDOT program or activity. WSDOT will make every effort to prevent discrimination 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.

III. Information to Carry Out This Secretary's Executive Order

WSDOT's Office of Equal Opportunity is responsible for initiating and monitoring Title VI, EJ, and LEP compliance activities, preparing required reports, and other WSDOT

IV. Contact for More Information
For questions or concerns about this Secretary's Executive Order, contact the Office of Equal Opportunity by phone at 360-705-7090, or visit the Office of Equal Opportunity web page.

V. References
• Title VI of the Civil Rights Act of 1964
• Civil Rights Restoration Act of 1987 (P.L. 100.259)
• National Environmental Policy Act of 1969
• Title 23 C.F.R. Part 200 Title VI Program and Related Statutes- Implementation and Review Procedures
• Title 49 C.F.R. Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964
• Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
• Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency
• WSDOT Office of Equal Opportunity web page

VI. Review and Update Requirements
When changes are necessary to update this document, inform the Director of the Office of Equal Opportunity. The Director of the Office of Equal Opportunity reviews this document periodically and proposes updates to the Secretary of Transportation for approval.

Americans with Disabilities Act (ADA) Information
This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Compliance Team at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.
Appendix 3 – OEO Organizational Chart
CIVIL RIGHTS ACT OF 1964 

Title VI of the Civil Rights Act of 1964 will be enforced. 

In keeping with this policy, WSDOT will ensure that all components of Title VI of the 

socioeconomic status, color, national origin, sex, age, disability, or people of Washington regardless of race, to assist the transportation needs of all the 
of the work WSDOT performs is intended 

widely by our taxpayers and communities. All 

operating the state transportation systems 

The Washington State Department of 

TRANSPORTATION (WSDOT) mission is 

The Office of Equal Opportunity (CEO) of WSDOT has been designated as the 

WHAT WILL WSDOT DO WITH MY 


tailored to meet the needs of the individual. 

For information on how the component, contact CEO.

Discrimination complainant. 

How can I file a 

Appendix 5 - Title VI Program Brochure
APPENDIX 6 – FHWA Title VI Compliance Review (2014)

FEDERAL HIGHWAY ADMINISTRATION
OFFICE OF CIVIL RIGHTS

TITLE VI COMPLIANCE REVIEW

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

REPORT AUTHORS: Ryan N. Fitzpatrick and Nichole McWhorter

DATE OF ON-SITE: September 29 to October 1, 2014
TABLE OF CONTENTS

- Introduction – Page 3
- Method – Page 3
- Desk Audit – Page 3
- On-Site Interviews – Page 4
- Program Observations – Page 5
- Deficiencies and Recommended Corrective Actions – Page 7
- Finding of Deficiency Status – Page 10
- Monitoring of Progress by Division Office – Page 10
- Conclusion – Page 11
INTRODUCTION

The FHWA Office of Civil Rights (OCR), in coordination with the FHWA Washington Division Civil Rights Specialist, conducted a Title VI compliance review of the Washington State Department of Transportation (WSDOT). The compliance review is part of an ongoing Compliance Review Program, which is intended to satisfy the direction provided by the U.S. Department of Justice in a memorandum dated July 10, 2009, to take efforts to “strengthen civil rights compliance programs.” FHWA has developed a Compliance Review Program in response and is in the process of reviewing all 50 states, along with the District of Columbia and Puerto Rico.

METHOD

The compliance review is conducted in two phases, consisting of a desk audit and on-site interviews. The effective implementation of a Title VI Program by a State Transportation Agency is accomplished through the processes of its program areas (i.e., Planning, Environment, Design, Rights-of-Way, Operations, etc.). Therefore, the desk audit phase identified which processes were in writing and allowed for a qualitative analysis of these processes to determine compliance. Further clarification of processes not in writing or unclear are obtained during the on-site interviews.

The on-site phase consisted of interviews conducted with personnel from the STA and select sub-recipients of the STA. The purpose of the personnel interviews was to identify the understanding of Title VI roles from the top of the organization (Secretary or CEO) on down to Title VI liaisons within each program area at the STA. Personnel were also interviewed at sub-recipient Local Public Agencies (LPAs), and Metropolitan Planning Organizations (MPOs). The purpose of these interviews was to ascertain the extent of the STA’s sub-recipient monitoring program. The LPAs interviewed were: King County, and the City of Seattle. The MPOs interviewed were: Thurston Regional Planning Council, and Puget Sound Regional Council.

DESK AUDIT

The desk audit phase of the compliance review primarily consisted of a review of WSDOT’s Title VI Program Plan, along with reviews of WSDOT’s Annual Accomplishments and Update Report, a draft Public Involvement Plan specific to WSDOT’s STIP process, Title VI guidance for internal staff and for subrecipients, and WSDOT’s Language Access Plan. The purpose of these reviews is to identify where or if these documents contain or reference processes related to the implementation of Title VI Program requirements.

WSDOT has a Title VI Implementation Plan that was approved by FHWA in 2001. Annual Updates have been submitted to the Division Office every year since its original approval. At the time of this review, the last Annual Accomplishments and Update Report that was submitted to FHWA was sent in December 2013. The Implementation Plan contains, along with other elements, complaint disposition procedures, a description of the sub-recipient review program, a
training program, Title VI liaisons within special emphasis areas, and the Title VI responsibilities for special emphasis program areas.

The FFY 2013 Accomplishments and Update Report lists the Title VI liaisons for each special emphasis program area and the meetings that they held during the previous year. The Report lists the complaints from the prior year and their disposition, along with an office by office and region by region breakdown of public outreach activities and trainings offered and attended. Goals for the offices and regions for the following year are listed as well. This Report also contains information regarding the Disadvantaged Business Enterprise (DBE) program, which is not a part of the Title VI program.

The Public Involvement Plan available on WSDOT’s website contains a process for public outreach during long-range transportation planning and during the STIP process. Dated January 2014, it appears to be in draft form. While the Plan discusses what WSDOT will do to involve the public in both of these processes, the Plan does not adequately address Title VI nor the Federal planning requirements. In addition, the Plan does not appear to be applicable to other processes at WSDOT that would also require public outreach (Ferries, Aviation, Rail, Environmental Services, Real Estate Services, Construction, et al).

A primer from WSDOT’s website on Limited English Proficiency was also reviewed. It contains general information describing language access at WSDOT, but does not adequately describe how the Four-Factor analysis should be employed by each of WSDOT’s program areas as part of their outreach or decision making processes.

**ON-SITE INTERVIEWS**

The on-site phase of the compliance review occurred during the week of September 29, 2014, and consisted of WSDOT personnel interviews and interviews with two LPAs and two MPOs. The LPAs interviewed were the City of Seattle, and King County. The MPOs interviewed were the Thurston Regional Planning Council, and the Puget Sound Regional Council. The purpose of conducting the sub-recipient interviews was to ascertain the extent of WSDOT’s sub-recipient monitoring program.

The Director, Office of Equal Opportunity (OEO), who reports directly to the Secretary of Transportation, is responsible for the overall management of the Title VI Program. The Title VI Coordinator is responsible for the day-to-day administration of the program. At the time of this review, WSDOT’s Title VI Coordinator role was filled by Jonte Robinson (within the Office of Equal Opportunity). The Title VI Coordinator position is tasked with coordinating the Title VI Program with WSDOT’s various program areas and with sub-recipients, through reviews and trainings. The Title VI Coordinator reports to the External Civil Rights Program Manager, who reports to the Director of OEO.

Interviews were conducted with several of WSDOT’s relevant program office directors, as well as staff members in charge of Title VI at the program level. The program areas interviewed included: Consultant Services, Planning, Environment, Right-of-Way, Consultant Contracts, Local Programs, and the Office of Equal Opportunity.
Interviews were also conducted with management, program area representatives, and Title VI coordinators from each of the subrecipients.

PROGRAM OBSERVATIONS

Based upon documents reviewed and the interviews performed, the following observations about WSDOT’s Title VI program are provided:

- Implementation Plan:
  - Generally, WSDOT’s Title VI Implementation Plan contains most of the information required by 23 CFR Part 200 to run a successful Title VI Program; The Plan also discusses organization and staffing of the Title VI Coordinator and the Title VI liaisons operating within special emphasis program areas.
  - The Coordinator is tasked with conducting special emphasis program area reviews, though it should be made clear that the Coordinator is responsible for conducting regular Title VI program area reviews for all program areas that affect the external public.
  - Title VI liaisons are identified for each special emphasis program area, encompassing all external program areas except for Safety, though the details about how their jobs are to be performed with regards to monitoring, reporting, and “ensuring compliance” are vague.
  - The Title VI Coordinator reports to the External Civil Rights Manager, who reports to the Director of OEO, who then reports to the Secretary; 23 CFR Part 200.9(b)(1) requires that the Title VI Coordinator have “easy access” to the Secretary. While the regulations do not require the Coordinator to directly report to the head of the STA, the Plan must outline how the Coordinator, individually, has direct access. E.g. through regular update meetings with the agency head.
  - The Title VI Plan contains a section on program administration that identifies the responsibility of each program area to collect data that is incorporated into the annual Goals and Accomplishment report; however, the Plan does not detail how this is accomplished. A Title VI liaison should be able to read this Implementation Plan and know what data he/she should be collecting, how to do so, how to analyze it, and how to report it.
  - The Plan’s discussion of sub-recipient reviews and training does not describe about what they look like in practice and how they are done.
  - The Plan includes a section that details the Title VI responsibilities for “special emphasis” program areas, which can be very useful for identifying how Title VI impacts each element of a highway program differently. WSDOT’s Plan should make clear that all program areas with impacts on the public have Title VI responsibilities to proactively ensure that their programs do not have a disparate impact on the public.
  - WSDOT’s Plan describes the Title VI responsibilities that each program area has but does not describe how these responsibilities are carried out.
  - WSDOT’s Plan includes the Standard Title VI Assurance (USDOT Order 1050.2A) but it is unsigned and not up to date. WSDOT should update its
assurance and describe how it includes appendices A-E in its contracts and agreements.

- Finally, WSDOT’s Plan includes complaint procedures but does not describe all of the modern options for filing such as an online form or via email. For example, WSDOT does not state that there is an electronic complaint form on its website, and this should be made clear in the Title VI Plan.

- **Goals and Accomplishments Report**: WSDOT’s most recent Goals and Accomplishments and Report is from FY2013. The FY 2013 report itself lists the meetings attended by Title VI liaisons, and contains information that is related to civil rights, generally. The annual Report should contain two parts: accomplishments from the previous year, and goals for the following year. The accomplishments section should contain a list of the complaints received and their disposition, a description of public outreach activities and the participation of the community, trainings conducted both internally and externally, language access provided for LEP persons, translations of vital documents into languages identified by the Four Factor analysis, all subrecipients monitored and reviewed and the results of that review, all program areas reviewed and what they were reviewed for, and any other Title VI-related activity conducted by each program area. **DBE-related information should not be included**. The goals section should contain a list of Title VI-related goals for the upcoming year, including subrecipients to monitor and review, public outreach goals including the incorporation of language access, environmental justice related goals, trainings to conduct, program areas to review, and Title VI-related deficiencies identified in the prior year to correct.

- The “special emphasis” program area personnel appear to understand their responsibilities to collect demographic data for their programs that impact the external public, and to report that data to OEO annually. This is an effective tool for proactively ensuring compliance with Title VI in the program areas, particularly when disparate impact trends are identified early on, diagnosed, and corrected. **All of this information should be a part of the annual Goals and Accomplishment Report sent from WSDOT to FHWA.**

- WSDOT’s website contains LEP guidance which it developed in 2009, and WSDOT reports its LEP accomplishments in its annual Accomplishments Report. However, WSDOT should have a Language Access Plan that describes how each office/program area is expected to implement the Plan, and the expectations of sub-recipients. The Four Factor analysis should use demographic data to identify the languages that need to be served statewide and project-wide, and at what level of service. The LAP should contain criteria for evaluating “vital documents” that need to be translated and into which languages they should be translated. Accomplishments and goals related to this LAP should then be included annually in the Goals and Accomplishment Report submitted by WSDOT.

- WSDOT does not appear to have a Plan for incorporating Environmental Justice into all of its program areas and activities, and it is not a part of the Title VI Implementation
Plan. Environmental Justice activities should be included as part of the annual Goals and Accomplishments Report submitted by WSDOT.

- WSDOT also appears to be lacking a true Public Involvement Plan, an essential component of effective Title VI programs. While the January 2014 draft LRTP and STIP Public Involvement Process document describes some of what WSDOT does to involve the public in these processes, how do other program areas know how to conduct effective public outreach in their processes? The existing plan does not adequately address Title VI or the Federal planning requirements. A Public Involvement Plan should detail how each program area, when conducting public outreach, should reach out to the public, collect data on participation, analyze that data, how to determine the languages necessarily included, and other strategies for ensuring maximum participation that does not have a disparate impact. WSDOT’s website contains some of this information in links to documents, particularly under the Title VI Coordinator page, but a Plan should be developed and adopted for the entire agency. According to the Planning office, a community engagement plan should be ready in 2015.

- The LPA Office is dedicated to monitoring and administering funds to Local Public Agencies that receive assistance from WSDOT. The Office conducts project management reviews and inserts Title VI Assurance language into all contracts. The Office also conducts approximately three environmental justice trainings per year. Due to the Office’s close contact with all LPAs in the State, there is a lot of potential for this office with regards to sub-recipient monitoring. While Title VI compliance seems to be based on self-certification of compliance by the LPAs, this Office is in an excellent position to assist OEO in setting up and conducting a compliance review program, involving desk audits and on-site interviews, designed to proactively ensure compliance with Title VI at the sub-recipient level.

- The sub-recipient LPAs and MPOs visited during the on-site had Title VI Plans and report annually to WSDOT.

**DEFICIENCIES AND RECOMMENDED CORRECTIVE ACTIONS**

The following are deficiencies and corrective actions that WSDOT needs to take in order to correct these deficiencies and strengthen its Title VI program:

1. **Title VI Implementation Plan:** WSDOT must update its Title VI Implementation Plan to include the following.
   - The Title VI Coordinator should be given the ability to directly interact with the Secretary on Title VI matters, and this should be made clear in the updated Plan.
   - The Coordinator’s responsibility and methods for conducting program area reviews of all program areas that have an impact on the external public should be detailed.
The responsibilities of the Title VI liaisons should also include more detail. A person assigned to be a Title VI liaison should be able to read the Title VI Implementation Plan and understand how they are to perform their responsibilities for their program area. This should include methods for collecting data on how programs and projects impact the external public, how to analyze that data for demographic trends, and what happens when a trend is discovered.

WSDOT’s Plan should include the latest assurance from USDOT Order 1050.2A, signed annually, and included as part of the Title VI Implementation Plan. This new Assurance should include appendices A-E, with detailed instructions for the inclusion of Appendices A and E in every contract let by WSDOT with either Federal or State funds.

The Title VI Plan must also include a section on Environmental Justice. This section will include how WSDOT identifies minority and low-income populations using demographic data collection methods, and how WSDOT identifies locations that have been disproportionately burdened by its policies, projects and activities, as well as areas that have been disproportionately benefitted. Together with the demographic data, an EJ analysis should be performed to determine if there has been a disparate impact on minority and low-income communities.

The Title VI Plan must also develop procedures for the review and monitoring of all sub-recipients. These procedures will, at a minimum, define the following: annual prioritization of sub-recipient compliance reviews to be conducted, when to conduct on-site visits, what documentation to require of sub-recipients, and what metrics are to be used to determine Title VI compliance. Many of WSDOT’s sub-recipients may already have effective Title VI programs; however, it is WSDOT’s responsibility to know which of its sub-recipients are in compliance and which are not, as FHWA holds WSDOT accountable for sub-recipient compliance. The results of sub-recipient monitoring of both LPAs and MPOs should be reported annually in the Accomplishments and Update Report, along with a schedule of reviews for the upcoming year. This sub-recipient monitoring approach is required by 23 CFR 200.9(b)(7).

2. Goals and Accomplishments Report: At the time of this review, the most recent Accomplishments and Update Report is from FY2013. These reports are to be submitted to FHWA annually pursuant to 23 CFR Part 200.9(b)(10). Future Reports should contain two parts: accomplishments from the previous year, and goals for the next year.

The accomplishments section should contain a list of the complaints received and their disposition, a description of public outreach activities and the participation of the community, trainings conducted both internally and externally, language access provided for LEP persons, translations of vital documents into languages identified by the Four Factor analysis, all subrecipients monitored and reviewed and the results of that review, all program areas reviewed and what they were reviewed for, and any other Title VI-related activity conducted by each program area. DBE-related information should not be included.

The goals section should contain a list of Title VI-related goals for the upcoming year, including sub-recipients to review, public outreach goals including the incorporation of language access, environmental justice related goals, trainings to
3. WSDOT needs to include Appendices A and E from the most recent version of 1050.2A in all contracts that include State or Federal financial assistance.

4. WSDOT must develop a Language Access Plan to include precisely how WSDOT assesses the language needs of the public that it serves, both project-by-project, and programmatically. The Accomplishments and Goals Report should reflect both what WSDOT has accomplished in this regard the prior year, and what it hopes to accomplish in the upcoming year. A Language Access Plan should describe how each program area assesses language access needs, including how demographic information is gathered to determine which languages are required for a project. It should also include how documents are determined to be “vital” for the purposes of translation, and which languages have been determined to meet the threshold for translation of these documents, with progress and goals tracked in the annual Accomplishments and Updates Report. The Language Access Plan should be used in conjunction with the Public Involvement Plan to ensure that persons who are limited in English Proficiency are provided meaningful access to participate in WSDOT’s public processes.

5. The Title VI Coordinator, together with the Title VI program area liaisons in each external program, should develop a regular training program that teaches staff about their responsibilities regarding Title VI. During the on-site interview portion, some program areas expressed a keen understanding of how Title VI relates to their roles at WSDOT, while others were less sure. A training approach catered to the functions of each program area should allow staff to incorporate Title VI into their work products, and at a level appropriate to their responsibilities within the agency.

6. The Title VI annual program area reviews should take the next step and begin to include a demographic analysis for trends. Each program area’s Title VI liaison should be collecting demographic data on all programs, activities, and policies that impact the external public. Each year, this data should be analyzed to determine if programs, areas, and activities are having a disparate impact on particular populations, relative to the rest of the region and the State as a whole. Some good sources for this type of data are the latest U.S. Census, and the American Community Survey. For example, if the Right-of-Way Title VI liaison undergoes this analysis and notices that, for the year, the Relocation program has had a higher impact on the African-American community than on other communities, then further analysis is required to determine the reason for this disparate impact. If there is a reasonable explanation for the disparate impact, then this explanation is included with the annual Title VI program area review. If there is not, then this is also included, and the steps that the program area is taking to correct this disparate impact are discussed as well. This is the “hold the mirror” approach that FHWA is looking for in the Program Area review program.

7. A comprehensive Public Involvement Plan, inclusive of strategies for reaching out to underserved populations is required by Federal regulations such as 23 CFR §450.210. The Public Involvement Plan should contain information/tools for use by the program...
areas that impact the public. The Public Involvement Plan should not regurgitate the regulations, but describe “how” each program area conducts outreach to the public, and how it incorporates language access, environmental justice, and Title VI considerations into the process. It should contain a method for acquiring demographic data before the public outreach begins, and a method for analyzing that data to ensure that the communities being impacted by a project or by planning are being reached. Public outreach is a proactive process; if certain communities aren’t participating, then the outreach process should adjust to reach them better, and be able to show how this was done. This should encompass all programs that impact the external public, from the planning process (i.e., Long Range Plan, STIP, et al) through operations. The Public Involvement Plan should be officially adopted and disseminated internally and externally.

8. The Maintenance office should be collecting demographic data about the communities that they are serving, and that data should be analyzed to ensure that the program for prioritizing maintenance activities and providing service does not have a disparate impact on the basis of race, color, or national origin. For example, if an analysis of the fiscal year’s maintenance projects reveals that the vast majority have been delivered in communities that are predominantly white, the Maintenance office must be able to offer a substantial and legitimate justification for this trend, and explain either what they will change in the future in order to reverse the trend, or why this trend is not discriminatory in violation of Title VI. These analyses should be included as part of the annual Title VI Accomplishments and Updates Reports submitted to FHWA, and can be conducted using the office’s Title VI liaison and the Title VI Coordinator. Maintenance should also ensure that they are providing notice of maintenance activities and request forms in languages other than English, where a Four Factor analysis reveals the presence of populations who are Limited English Proficient.

FINDING OF DEFICIENCY STATUS

As required by 23 CFR 200.11, WSDOT is being placed in Deficiency Status. FHWA’s Washington State Division Office shall schedule a meeting with WSDOT after receipt of this Report. WSDOT will be afforded up to 90 days from the meeting with FHWA’s Washington State Division Office to voluntarily begin to develop a corrective action plan (CAP) to address the deficiencies. If WSDOT fails or refuses to voluntarily submit the corrective action plan, the Division Administrator shall submit to the Office of Civil Rights a recommendation that WSDOT be found in noncompliance.

MONITORING OF PROGRESS BY DIVISION OFFICE

The Division Office is responsible for monitoring the corrective actions taken by WSDOT to address the deficiencies and implement the recommended corrective actions. WSDOT will take necessary corrective action to address the Deficiencies documented in this Report and, in addition, will provide a specific timetable for the implementation of all tasks necessary to fully create and implement the recommended corrective actions. After WSDOT meets with the FHWA Division Office, it will submit monthly progress reports to the Division Office to ensure adequate progress is made in the development of the CAP. The Division Office will forward the
monthly Reports to the FHWA Office of Civil Rights with a summary indicating how WSDOT is progressing towards developing a corrective action plan. The Division will then make a determination as to the adequacy of the CAP. A determination will be made by FHWA, based upon WSDOT’s actions in response to this Report, as to whether WSDOT has corrected the issues that are currently in a Deficiency Status.

CONCLUSION

Despite the above noted deficiencies, WSDOT has a basis for a strong Title VI Program, with an involved Title VI Coordinator, a network of Title VI liaisons, and methods for collecting the demographic data essential for conducting a proactive program. WSDOT’s oversight of its sub-recipient LPAs through dedicated staff presents a great opportunity for diligent sub-recipient monitoring.
June 17, 2016

Daniel Mathis, P.E.
Division Administrator
FHWA Washington Division Office
711 S. Capitol Way, Suite 501
Olympia, Washington 98501

Dear Mr. Mathis:

On March 17, 2016 the Washington State Department of Transportation received the Federal Highway Administration Office of Civil Rights Title VI Compliance Review Report.

The report contained eight recommendations for corrective action to findings of deficiencies. We hereby submit our corrective action plan for your consideration.

The enclosed corrective action plan is in response to the Federal Highway Administration (FHWA) Office of Civil Rights, Washington D.C. Title VI compliance review of the Washington State Department of Transportation (WSDOT) conducted in coordination with the FHWA Washington Division on September 29 to October 1, 2014.

We welcome the opportunity to improve our Title VI program and look forward to the partnership we have established with FHWA Washington Division in serving the diverse communities of Washington.

Sincerely,

Roger Mijlar, PE, AICP
Acting Secretary of Transportation

RM:oc

Enclosure: WSDOT Corrective Action Plan

cc: Nicole McWhorter, FHWA
    Jodi Petersen, FHWA
    Earl Key, WSDOT
Washington State Department of Transportation
OFFICE OF EQUAL OPPORTUNITY

CORRECTIVE ACTION PLAN

TO

FEDERAL HIGHWAY ADMINISTRATION HEADQUARTERS

2014 COMPLIANCE REVIEW

CONDUCTED SEPTEMBER 29 to OCTOBER 1, 2014

RESPONSE SUBMISSION DATE: June 17, 2016
INTRODUCTION

In December 2015, the Washington State Department of Transportation (WSDOT) received the Federal Highway Administration (FHWA) Office of Civil Rights Title VI Compliance Review Report. The report contained eight recommendations for corrective action to findings of deficiencies.

The Federal Highway Administration (FHWA) Office of Civil Rights, Washington D.C., in coordination with the FHWA Washington Division Civil Rights Specialist, conducted a Title VI compliance review of the Washington State Department of Transportation (WSDOT) from September 29 to October 1, 2014. The report authors are Ryan N. Fitzpatrick and Nicole McWhorter.

The compliance review was part of an ongoing compliance review program, which is intended to satisfy the direction provided by the U.S. Department of Justice in a memorandum dated July 10, 2009, to take efforts to strengthen civil rights compliance programs.

WSDOT CORRECTIVE ACTION PLAN

The following are deficiencies and corrective actions that WSDOT needs to take in order to correct these deficiencies and strengthen its Title VI program:

1. Title VI Implementation Plan: WSDOT must update its Title VI Implementation Plan to include the following:

   a) The Title VI Coordinator should be given the ability to directly interact with the Secretary on Title VI matters, and this should be made clear in the updated Plan.

   Corrective Action and Commitment:
   April – June 2018 WSDOT Office of Equal Opportunity Director Earl Key directed the revision of the OEO organizational chart to reflect a direct reporting relationship of the Title VI Coordinator to the Director of OEO with wide access and interaction with the Secretary of WSDOT.

   This direct reporting relationship also authorizes direct and easy access to the WSDOT Secretary of Transportation on all matters pertaining to the Title VI program and its requirements under the law. A Secretary’s memo will follow reinforcing the direct reporting relationship.

   b) The Coordinator’s responsibility and methods for conducting program area reviews of all program areas that have an impact on the external public should be detailed.
Corrective Action and Commitment
By July 2016, the Title VI Coordinator will develop and circulate WSDOT internal guidance on the Title VI Coordinator’s responsibility and detail criteria for internal special emphasis and program area Title VI compliance reviews.

Review requirements will be provided to program areas along with individual consultations to develop a specific schedule for individual internal program area compliance reviews for the period 2016-2018.

c) The responsibilities of the Title VI liaisons should also include more detail. A person assigned to be a Title VI liaison should be able to read the Title VI Implementation Plan and understand how they are to perform their responsibilities for their program area. This should include methods for collecting data on how programs and projects impact the external public, how to analyze that data for demographic trends, and what happens when a trend is discovered.

Corrective Action and Commitment
By July 2016, the Title VI Coordinator will develop and circulate detailed and updated roles and responsibilities for the internal WSDOT Title VI Liaisons.

WSDOT OEO internal guidance will include a formal designation of the Title VI Liaison by their respective division and/or program area.

Title VI Liaison’s responsibility and detail will include enterprise data collection, identification of common data dictionary, elements and sets.

d) WSDOT’s Plan should include the latest assurance from USDOT Order 1050.2A, signed annually, and included as part of the Title VI Implementation Plan. This new assurance should include appendices A-E, with detailed instructions for the inclusion of Appendices A and E in every contract let by WSDOT with either Federal or State funds.

Corrective Action and Commitment
The WSDOT Title VI Plan 2016, will include a signed *10502.A, signed annually by the Secretary of WSDOT; and include appendices A-E, with detailed instructions for the inclusion of Appendices A and E in every contract let by WSDOT whether it include Federal or State funds.

e) The Title VI Plan must also include a section on Environmental Justice. This section will include how WSDOT identifies minority and low-income populations using demographic data collection methods, and how WSDOT identifies locations that have been disproportionately burdened by its policies, projects and activities, as well as areas that have been disproportionately benefitted. Together with the demographic data, an EJ analysis should be performed to determine if there has been a disparate impact on minority and low-income communities.
Corrective Action and Commitment
The WSDOT Title VI Plan 2016 will include a detailed section on Environmental Justice (EJ). Current and on-going activities in Environmental Justice include identification of minority and low-income populations. WSDOT uses the EJScreen website, formerly called EJView, developed and maintained by the Environmental Protection Agency (EPA). It uses data from the U.S. Census Bureau and the American Community Survey to calculate demographic data through a geospatial map interface.

The FHWA has agreed that reports generated using this website is sufficient demographic documentation for CE level projects.

Data collection and methodologies are documented in detail including Chapter 458 of the Environmental Manual. WSDOT Environmental Services Office has developed and implemented an EJ Decision Matrix tool to assist the department and other agencies to determine disparate or disproportionate impact on minority or low-income populations.

The SR520 project is one of 10 case studies cited by the FHWA in best practices in environmental justice.

f) The Title VI Plan must also develop procedures for the review and monitoring of all sub-recipients. These procedures will, at a minimum, define the following:
- annual prioritization of sub-recipient compliance reviews to be conducted, when to conduct on-site visits, what documentation to require of sub-recipients, and what metrics are to be used to determine Title VI compliance. Many of WSDOT’s sub-recipients may already have effective Title VI programs; however, it is WSDOT’s responsibility to know which of its sub-recipients are in compliance and which are not, as FHWA holds WSDOT accountable for sub-recipient compliance. The results of sub-recipient monitoring of both LPAs and MPOs should be reported annually in the Accomplishments and Update Report, along with a schedule of reviews for the upcoming year. This sub-recipient monitoring approach is required by 23 CFR 200.9(b)(7).

Corrective Action and Commitment
In March 2016, the Title VI Coordinator, in consultation with the FHWA Washington Division Civil Rights Program Manager developed and submitted a risk-management matrix that addresses specific criteria and factors to identify and prioritize sub-recipient compliance reviews.

Concurrent with the risk matrix the Title VI Coordinator developed a DRAFT compliance review instrument and is pending review and comment from FHWA. Based on those initial discussions several small, medium and large entities have been identified for on-site compliance reviews commencing May 10, 2016 through December 2016.

With respect to sub-recipient monitoring of both LPAs and MPOs, WSDOT OEO Title VI Coordinator is collaborating with the FHWA Washington Division Civil Rights Program Manager in developing and implementing a uniform sub-recipient approach.

Commencing with the WSDOT 2016 Annual Update and Accomplishments Report (AUAR), the results of the results of sub-recipient monitoring, including LPAs and MPOs will be
incorporated in the 2016 Accomplishments and Update Report, along with a schedule of reviews for the upcoming year.

On May 10, 2016 WSDOT OEO Title VI Coordinator in conjunction with the FHWA Washington Division Civil Rights Program Manager performed one of a 3 part series of on-site compliance reviews.

Ms. Jodi Petersen, FHWA Washington Division Civil Rights Program Manager, is modeling and providing consultation, training and technical assistance to the Office of Equal Opportunity Title VI Program. In this manner, future on-site compliance reviews conform to the corrective actions of the FHWA Headquarters Office of Civil Rights 2014 Compliance Review team.

2. Goals and Accomplishments Report: At the time of this review, the most recent Accomplishments and Update Report is from FY2013. These reports are to be submitted to FHWA annually pursuant to 23 CFR Part 200.9(b)(10). Future Reports should contain two parts: accomplishments from the previous year, and goals for the next year.

a) The accomplishments section should contain a list of the complaints received and their disposition, a description of public outreach activities and the participation of the community, trainings conducted both internally and externally, language access provided for LEP persons, translations of vital documents into languages identified by the Four Factor analysis, all subrecipients monitored and reviewed and the results of that review, all program areas reviewed and what they were reviewed for, and any other Title VI-related activity conducted by each program area. DBE-related information should not be included.

b) The goals section should contain a list of Title VI-related goals for the upcoming year, including sub-recipients to review, public outreach goals including the incorporation of language access, environmental justice related goals, trainings to conduct program areas to review, and Title VI-related deficiencies identified in the prior year to correct.

Corrective Action and Commitment
The 2015 WSDOT Annual Update and Accomplishments Report (AUAR) format will be revised to include the two-part format requested by the FHWA Headquarters Office of Civil Rights 2014 Compliance Review team.

The revised 2015 WSDOT AUAR is due to FHWA Washington Division on or before September 2016.

3. WSDOT needs to include Appendices A and E from the most recent version of 1050.2A in all contracts that include State or Federal financial assistance.

Corrective Action and Commitment
Commencing in December 2015 and continuing in 2016 WSDOT initiated a review of contracts to ensure all WSDOT contracts include Appendices A and E; and the most recent
version of 1050.2A in all contracts that include State or Federal financial assistance as requested by the FHWA Headquarters Office of Civil Rights 2014 Compliance Review team.

The WSDOT Title VI Program Coordinator will continue to actively identify, monitor and update any discrepancies in USDOT form requirements. Consistent with this corrective action WSDOT Local Agency Guidelines manual, Chapter 26, will be reviewed to reflect this update and correction.

4. WSDOT must develop a Language Access Plan to include precisely how WSDOT assesses the language needs of the public that it serves, both project-by-project, and programmatically. [The Accomplishments and Goals Report should reflect both what WSDOT has accomplished in this regard the prior year, and what it hopes to accomplish in the upcoming year.] A Language Access Plan should describe how each program area assesses language access needs, including how demographic information is gathered to determine which languages are required for a project. It should also include how documents are determined to be “vital” for the purposes of translation, and which languages have been determined to meet the threshold for translation of these documents, with progress and goals tracked in the annual Accomplishments and Updates Report. The Language Access Plan should be used in conjunction with the Public Involvement Plan to ensure that persons who are limited in English Proficiency are provided meaningful access to participate in WSDOT’s public processes.

Corrective Action and Commitment
The WSDOT Language Access Plan is under revision and will be completed on or before September 2016. It will be included as part of the corrective action with respect to the revision of the 2016 Update and Accomplishments Report.

The current Language Access Plan (Limited English Proficiency Plan) was deemed to be sufficient until this date by Jodi Petersen FHWA Washington Division Civil Rights Program Manager.

The WSDOT 2016 Annual Update and Accomplishments Report (AUAR) will include a revised format to reflect prior year and upcoming year accomplishments with respect to language access issues.

The revised 2016 WSDOT Language Access Plan describes how each program assesses language access needs, including how demographic information is gathered to determine which languages are required for a project, how documents are determined to be “vital” for the purposes of translation, and which languages have been determined to meet the threshold for translation of documents.

This is an integral part of the Title VI Liaison’s responsibility and role to identify enterprise-wide data collection, identification, data dictionary, elements and sets. This allows for
authoritative and empirical data to determine language needs of the public that it serves, both project-by-project, and programmatically.

Goals and progress with respect to language access needs assessment, data collection, demographic analysis, language determination, identification of “vital” documents will be included in the revised 2018 WSDOT AUAR.

5. **The Title VI Coordinator, together with the Title VI program area liaisons in each external program, should develop a regular training program that teaches staff about their responsibilities regarding Title VI.**

During the on-site interview portion, some program areas expressed a keen understanding of how Title VI relates to their roles at WSDOT, while others were less sure. A training approach catered to the functions of each program area should allow staff to incorporate Title VI into their work products, and at a level appropriate to their responsibilities within the agency.

**Corrective Action and Commitment**

WSDOT Director of the Office of Equal Opportunity has tasked the Title VI Coordinator to collaborate and coordinate training programs as part of WSDOT’s Inclusion Plan.

Several training sessions have already been held to train WSDOT staff about their responsibilities regarding Title VI:

Communicator’s Conference held April 20, 2018 included communicators from across the state. Title VI component presentations included Environmental Justice and Limited English Proficiency.

Environmental Justice (EJ) Training includes a cultural advisory forum to provide input on WSDOT’s community inclusion efforts. Future staff and Title VI liaison events are planned focusing on specific issues identified by the Title VI liaisons. WSDOT Title VI Program is committed to continue to work collaboratively with FHWA Washington Division Civil Rights.

All of these efforts are consistent with the corrective action required by the FHWA Headquarters Office of Civil Rights 2014 Compliance Review team.

6. **The Title VI annual program area reviews should take the next step and begin to include a demographic analysis for trends. Each program area’s Title VI liaison should be collecting demographic data on all programs, activities, and policies that impact the external public. Each year, this data should be analyzed to determine if programs, areas, and activities are having a disparate impact on particular populations, relative to the rest of the region and the State as a whole. Some good sources for this type of data are the latest U.S. Census, and the American**
Community Survey. For example, if the Right-of-Way Title VI liaison undergoes this analysis and notices that, for the year, the Relocation program has had a higher impact on the African-American community than on other communities, then further analysis is required to determine the reason for this disparate impact. If there is a reasonable explanation for the disparate impact, then this explanation is included with the annual Title VI program area review. If there is not, then this is also included, and the steps that the program area is taking to correct this disparate impact are discussed as well. This is the “hold the mirror” approach that FHWA is looking for in the Program Area review program.

Corrective Action and Commitment

Two WSDOT special emphasis areas, Environmental Justice and Multimodal Planning have established data collection and demographic capabilities or tools. However, data collection is not uniform department-wide.

Commencing in the third quarter of 2016 (July-September) the Title VI Coordinator, in collaboration with the WSDOT Title VI Liaisons will develop and implement enterprise-wide data definitions, dictionaries, elements, glossaries and sets.

This will allow WSDOT to establish uniformity in data collection methodologies and enhance organizational capacity to assess and mitigate disparate or disproportionate impact on minorities, limited English proficient and historically underserved populations.

This internal approach to harmonize or establish common data collection methodologies will facilitate WSDOT Title VI Program capacity to include a demographic analysis for trends.

7. A comprehensive Public Involvement Plan, inclusive of strategies for reaching out to underserved populations is required by Federal regulations such as 23 CFR §450.210. The Public Involvement Plan should contain information/tools for use by the program areas that impact the public. The Public Involvement Plan should not regurgitate the regulations, but describe “how” each program area conducts outreach to the public, and how it incorporates language access, environmental justice, and Title VI considerations into the process. It should contain a method for acquiring demographic data before the public outreach begins, and a method for analyzing that data to ensure that the communities being impacted by a project or by planning are being reached. Public outreach is a proactive process; if certain communities aren’t participating, then the outreach process should adjust to reach them better, and be able to show how this was done. This should encompass all programs that impact the external public, from the planning process (i.e., Long Range Plan, STIP, et al) through operations. The Public Involvement Plan should be officially adopted and disseminated internally and externally.
Corrective Action and Commitment
The Office of Equal Opportunity, Title VI Coordinator will continue to provide advice and consultation in the development of Community Engagement Plan and will exercise due diligence in ensuring its compliance with federal requirements under Title VI.

On-going discussions continue to evolve on “how” each program area conducts outreach to the public, and how it incorporates language access, environmental justice, and Title VI considerations into the process.

The Community Engagement Plan and process has been the focal point for the WSDOT Public Involvement Plan.

The OEO Director, ADA Program Manager, and Title VI Coordinator; in conjunction with the Environmental Services Office Director, the EJ Policy Manager; and the FHWA Washington Division Civil Rights Program Manager have been consulted and participate with the Community Engagement Plan manager in the on-going development of the Community Engagement Plan.

The WSDOT Inclusion Plan Initiative has incorporated Environmental Justice (EJ) and Limited English Proficiency (LEP) issues in recent training events and plans. These efforts provide some preliminary data and tools to address the issues raised in item seven (7) of the FHWA Headquarters Office of Civil Rights 2014 Compliance Review team.

This foundation work focuses on realignment and revising current business and planning practices that result in more diverse and inclusion strategies to historically or traditionally underserved communities of Washington.

The ADA program manager has focused on electronically accessible formats and accessibility issues in public facilities for people with disabilities.

The Title VI Coordinator has focused on existing transportation systems, historically and traditionally underrepresented or underserved populations, such as low-income and minority households, who may face challenges accessing employment and other services.

Collaboration and coordination with respect to government-to-government consultation(s) with Tribal governments is through the multimodal planning division Tribal and Regional Coordination Office and the WSDOT Tribal Relations Liaison.

8. The Maintenance office should be collecting demographic data about the communities that they are serving, and that data should be analyzed to ensure that the program for prioritizing maintenance activities and providing service does not have a disparate impact on the basis of race, color, or national origin. For example, if an analysis of the fiscal year’s maintenance projects reveals that the vast majority
have been delivered in communities that are predominantly white, the Maintenance office must be able to offer a substantial and legitimate justification for this trend, and explain either what they will change in the future in order to reverse the trend, or why this trend is not discriminatory in violation of Title VI. These analyses should be included as part of the annual Title VI Accomplishments and Updates Reports submitted to FHWA, and can be conducted using the office’s Title VI liaison and the Title VI Coordinator. Maintenance should also ensure that they are providing notice of maintenance activities and request forms in languages other than English, where a Four Factor analysis reveals the presence of populations who are Limited English Proficient.

**Corrective Action and Commitment**

Initial discussions were held with the Maintenance Office with respect to data collection requirements as part of the corrective action.

Data collection, elements, sets and other details will be a part of the discussions with and through the Title VI Liaisons for the various special emphasis areas.

Data is to be incorporated as part of the 2016 Accomplishments and Update Report (AUAR).
Appendix 8 – WSDOT Regions Map