

**Federally Funded Transportation Program  
TITLE VI PLAN**

**November, 2022**

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## City of Vancouver Title VI Plan

The City Manager is responsible for ensuring implementation of the City of Vancouver’s Title VI Plan. The Public Works Director, on behalf of the City Manager, is responsible for the overall management of the Title VI Plan as outlined herein. The Public Works Director does not hereby assume responsibility for Title VI compliance outside the scope of this report. The day to day administration of the Title VI Plan lies with the Title VI Coordinator under the direct supervision of the Public Works Director.

In addition to the Title VI Coordinator, Title VI Specialists will be named in the following program areas:

- Transportation Design and Engineering
- Transportation Right of Way
- Transportation Environmental Services
- Transportation Administration, Public Information and Outreach
- Human Resources
- Procurement

### I. Policy Statement, Authorities and Citations

#### A. Policy of Nondiscrimination

The City of Vancouver (City) assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City sponsored transportation program or activity. The City further assures every effort will be made to ensure nondiscrimination in all of its federally funded transportation programs and activities.

In the event that the City distributes federal transportation funds to another entity, it will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for federal funds, including funds from the Federal Highway Administration. Assurance of compliance falls under the proper authority of the City pursuant to its budgetary authority and responsibility. The Public Works Director and Transportation Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

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 75A9183485CA467...  
 Eric Holmes, City Manager

11/22/2022  
 \_\_\_\_\_  
 Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

## **II. Organization, Staffing and Structure**

### **A. Organizational Chart – Reporting Relationships**

Please see Exhibit 4 and 5 for the City of Vancouver organizational charts. Exhibit 4 focuses on the Streets and Transportation Department involved in the administration of the Title VI Plan, while Exhibit 5 reflects the entire City of Vancouver organization, (Departments and positions named as Coordinator or Specialists are indicated with bold boxes in Exhibit 5.)

### **B. Staffing and Structure**

#### **Public Works Director**

The Public Works Director is authorized to ensure compliance with provisions of the City’s policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The City’s grants compliance function and Title VI coordination shall be performed under the authority of the City Manager.

#### **Title VI Coordinator**

The Streets and Transportation Manager will perform the duties of the Title VI Coordinator (Coordinator) and ensure implementation of the Department’s Title VI Federally Funded Transportation Program. The Streets and Transportation Manager has other duties and responsibilities in addition to Title VI. The Streets and Transportation Manager reports to the Public Works Director.

#### **Title VI Specialists**

Additionally, the City has designated Title VI Specialists (Specialists) in departmental and City-wide special emphasis program areas. The Specialists, designated below, will work in concert with the Coordinator. These key programs or areas are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing City of Vancouver directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective department, division, or program complies with Title VI regulations and assurances, meets the objectives of the Title VI Plan, meets Federal and state reporting requirements, and provides adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinator to ensure Title VI compliance by contractors, subcontractors, consultants, suppliers and sub-recipients, as applicable, under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of Federally-funded Department transportation programs.

Each of the Specialists will maintain data relative to his or her respective special emphasis program area, designated below. The Coordinator will use the data to complete annual Title VI reports and for other administrative needs as necessary.

#### **List Title VI Specialists and their Official Job Titles (subject to change)**

<b>Name</b>	<b>Title</b>	<b>Department/Function</b>
Hassan Abdalla	Engineering Manager	Public Works – Design, Engineering, Right of Way, and Environmental Services
Brooke Porter	Community Relations Specialist	Public Works – Public Information and Outreach
Rebecca Kennedy	Planning Manager	Community and Economic Development-Planning
Jeff Azul	Analyst	Human Resources
Chris Malone	Finance and Asset Manager	Public Works
Anna Vogel	Senior Procurement Specialist	Procurement
Gretchen Rose	Construction Project Coordinator	Construction Services

### **III. Title VI Plan Implementation and Program Administration**

#### **Title VI Coordinator’s Responsibilities and Program Administration**

As authorized by the City Manager, the Transportation Title VI Coordinator is responsible for initiating, monitoring, and ensuring the Department’s compliance with Title VI requirements as follows:

- A. Program Administration. Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Public Works Director.
- B. Complaints. Review written Title VI complaints related to City of Vancouver transportation projects that may be received by the Department following the adopted procedural guidelines (see Section V – Complaint Procedures).
- C. Data Collection. Review the statistical data gathering process performed by Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).
- D. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments conducted by Transportation for projects receiving Federal Highway Administration or other Federal assistance.
- E. Training Programs. Conduct or facilitate training programs on Title VI issues and regulations for City employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.
- F. Title VI Plan Update. Review and update the Department’s Title VI Plan as needed or required. Present updated plan to the Public Works Director for approval; submit amended Plan to WSDOT.

- G. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit to WSDOT. The first accomplishment report will be due one year after adoption of the Title VI Plan, and subsequent reports will be due on the same date annually thereafter.
- H. Public Dissemination. Work with Transportation staff to develop and disseminate Title VI program information to Transportation staff, Specialists, and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, annual publication of the City's Transportation Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the reasonable utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.
- I. Elimination of Discrimination. Work with Human Resources and other City departments to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Transportation process.
- J. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, WSDOT guidelines, the current Transportation Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Department's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other City departments or the public as requested or required.

#### **IV. NHI Education and Title VI Training**

In keeping with adopted the City's policy of nondiscrimination, departmental procedures will be established or followed for Transportation employees to have equal access to applicable educational and training opportunities. Transportation staff and/or Specialists will maintain program administration documentation and data necessary for preparation of annual Title VI reports and will routinely supply the necessary data to the Title VI Coordinator.

- A. National Highway Institute (NHI) Education. The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to Transportation employees. The Streets and Transportation Manager will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex and ethnicity for use in completing the annual Title VI accomplishment report.
- B. Title VI Training. The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other Transportation employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically as practical and necessary. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.
- C. Selection of Instructors. The Coordinator or designee will ensure City policy is followed in the selection of instructors for Transportation's training courses/ workshops, and to ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the City will provide accessibility to Minority/Women/Disadvantage Business Enterprise consulting and training firms to compete for training contracts.

## V. Complaint Procedures – Allegations of Discrimination in Federally Assisted Transportation Programs or Activities

### A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by City of Vancouver, as well as to subrecipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

### B. Procedures

Discrimination Complaint Procedure for City of Vancouver.

Federal law prohibits discrimination on the basis of race, color, or national origin in any City of Vancouver program, service, or activity. This prohibition applies to all branches of City of Vancouver, its contractors, consultants, and anyone else who acts on behalf of City of Vancouver.

Complaints related to the Federal-aid programs may be filed with City of Vancouver and will be forwarded to Washington State Department of Transportation (WSDOT) – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Ryan.lopossa@cityofvancouver.us or at 360-487-7706. WSDOT's online complaint form can be found here: [Title VI/Limited English Proficiency | WSDOT \(wa.gov\)](#). A copy of the complaint form is attached as exhibit 6 of this document.

### C. Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Vancouver services Division program, service, or activity because of their race, color, or national origin may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

### D. How do you file a complaint?

You can utilize WSDOT's complaint form and submit it to the City of Vancouver. The form can be found here: [Title VI/Limited English Proficiency | WSDOT \(wa.gov\)](#)

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact City of Vancouver or at 360-487-7706 if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact [ryan.lopossa@cityofvancouver.us](mailto:ryan.lopossa@cityofvancouver.us) or at 360-487-7706.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones City of Vancouver Services Division with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.



A complaint should contain the following information:

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

All Title VI complaints are logged. The Complaint log must contain the following information for each complaint filed:

- The name and address of the person filing the complaint.
- The date of the complaint.
- The basis of the complaint.
- The disposition of the complaint.
- The status of the complaint.

The Complaint Log and documentation are destroyed four years after the end of the fiscal year in which the case is closed.

City of Vancouver then forwards complaints to WSDOT-Office of Equal Opportunity for processing by FHWA. [WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint.] FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

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

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

E. What happens after a complaint is filed?

If your complaint is forwarded to another agency, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

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

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

## **VI. Sub-Recipient Review and Remedial Action Procedures**

- A. Title VI Review of Sub-recipients of Federal-Aid Highway Funds. Transportation staff and the Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Transportation staff will review the selected recipients of Federal-Aid highway or other Federal funds to ensure adherence to Title VI requirements (see Section VII). Transportation and Procurement staff will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.
- B. Post-Grant Reviews. The Coordinator, in collaboration with other City departments, as necessary, will conduct periodic post grant reviews of the selected recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII).
- C. Remedial Action. When noncompliance occurs in the administration of Federal-aid highway programs at either the Department or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Department will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Transportation or Procurement staff will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, Transportation or Procurement will reduce to writing any recommended remedial action they and the sub-recipient agree upon, and provide a copy of the letter within a period not to exceed 45 days.

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

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

## **VII. Title VI Implementation Activities in Special Emphasis Program Areas**

- A. Planning & Location Activities

1. **Planning Process.** The Department has responsibility for providing long-range transportation planning in cooperation with the Regional Transportation Council. The Department also conducts program development and capital programming annually to update its six-year plan for transportation improvement programs and projects. The update also informs other departments and jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various divisions in the department, other cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.
2. **Authorities.** Vancouver Municipal Code Title 11; Agency Code; 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning; RCW 47.80 Regional Transportation Planning Organization (RTPO)
3. **Public Involvement in Planning Activities & Title VI**
  - a) Invite participation of a cross section of the populace from a range of social, economic, and ethnic groups, including low income and limited English proficiency (LEP) populations, in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
  - b) Transportation staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.
    1. The data from the forms will be analyzed to determine if different forms of outreach should be used for future public meetings including providing additional translation services for Limited English Proficiency (LEP) populations. Additionally, the data can be used to show how the project will benefit the surrounding community (for example, providing alternate modes of transportation for low income, elderly, and young).
  - c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the city, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.
  - d) Transportation Planning is constantly reviewing and changing outreach efforts to ensure we are reaching as many people as possible including populations covered by Title VI. Efforts to improve outreach include providing translation and interpretation services as requested (e.g. in person, over the phone, and for written correspondence), providing financial stipends, providing different meeting options (e.g. virtual, public open houses, one on one, roundtables, etc.), mailing flyers, sending emails, utilizing websites for information and feedback, posting signs in prominent places, creating tactile maps for low-vision community members, and placing ads in local publications (including publications for minority communities).

#### B. Consultant Contracts Activities

1. **Consultant Contracts Administration.** The Transportation Department is responsible for final selection, negotiation, and award of consultant contracts. The Procurement Department administers awarded consultant contracts.
2. **Authorities** Title 3 Vancouver Municipal Code; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172

3. Consultant Selection Process. Procurement and/or Transportation staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to transportation projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects. The Procurement Department maintains a certified list of consultants that adheres to Washington State regulations (RCWs) and is consistent with its vendor policies.
4. Title VI Assurances and Provisions
  - a) Include Title VI assurance and provision language in all Federally-funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.
  - b) The Procurement Department will request data on the utilization of women-and minority-owned consulting firms and will maintain it as it is received through self-reporting. Information will be provided to the Coordinator for use in preparing the Annual Update Accomplishment Report.

C. Design & Engineering / Environmental Activities

1. The Department is responsible for the Capital Improvement Program (CIP) and environmental permitting for transportation projects. Studies are performed to assess various environmental factors as they relate to the implementation of the Department's Annual Road Program, including evaluating demographic data.

Authorities. Title 11, Vancouver Municipal Code. Agency Ordinance; Local Agency Guidelines - WSDOT; Standard Plans For Road, Bridge and Municipal Construction-WSDOT; APWA - M21-01; Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898

2. Design /Environmental Review Process and Title VI
  - a) Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
  - b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the Department's Federal-aid highway activities.
  - c) In order to ensure dissemination of information and foster participation from affected populations, Transportation staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
  - d) Transportation staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.
    1. The data from the forms will be analyzed to determine if different forms of outreach should be used for future public meetings including providing additional translation services for Limited English Proficiency (LEP) populations. Additionally, the data can be used to show how

the project will benefit the surrounding community (for example, providing alternate modes of transportation for low income, elderly, and young).

- e) The Coordinator shall work with the Transportation staff to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.
- f) Transportation Design is constantly reviewing and changing outreach efforts to ensure we are reaching as many people as possible including populations covered by Title VI. Efforts to improve outreach include providing translation and interpretation services as requested (e.g. in person, over the phone, and for written correspondence), providing financial stipends, providing different meeting options (e.g. virtual, public open houses, one on one, roundtables, etc.), mailing flyers, sending emails, utilizing websites for information and feedback, posting signs in prominent places, creating tactile maps for low-vision community members, and placing ads in local publications (including publications for minority communities).

#### D. Right-of-way Activities

- 1. Real Property Services. The Transportation Department manages and coordinates the appraisal and acquisition of real property and relocation assistance services for transportation projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.
- 2. Authorities. Right of Way Manual; 23 CFR 130; 49 CFR 24; RCW Chapter 47; WAC 468.100
- 3. Right-of-way Activities and Title VI
  - a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Procurement Department vendor policies in the acquisition of contracted services.
  - b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
  - c) Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
  - d) Adhere to existing policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT and a copy of the Department's Title VI Compliance brochure to all affected parties.
  - e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
  - f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
  - g) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
  - h) The Coordinator will maintain statistical data, as obtained through voluntary self reporting, including race, color, national origin, and sex on all relocatees affected by federally funded transportation projects.
    - 1. The data from the forms will be analyzed to determine if different forms of outreach should be used for future public meetings including providing additional translation services for Limited English Proficiency (LEP) populations. Additionally, the data can be used to show

how the project will benefit the surrounding community (for example, providing alternate modes of transportation for low income, elderly, and young).

- i) Transportation Right-of-Way is constantly reviewing and changing outreach efforts to ensure we are reaching as many people as possible including populations covered by Title VI. Efforts to improve outreach include providing translation and interpretation services as requested (e.g. in person, over the phone, and for written correspondence), providing financial stipends, providing different meeting options (e.g. virtual, public open houses, one on one, roundtables, etc.), mailing flyers, sending emails, utilizing websites for information and feedback, posting signs in prominent places, creating tactile maps for low-vision community members, and placing ads in local publications (including publications for minority communities).

#### E. Construction and Maintenance Activities

1. Construction Management Section. This section is located in the Public Works Department , and is responsible for administration of all new construction contracts and inspecting bridges. The Construction Management Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Transportation Manager.
2. Authorities. Construction Manual M41-01; Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction
3. Maintenance. The Public Works Operations Division is responsible for the efficient program for maintaining City roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.
4. Authorities. Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); Clark County Agency Road Standards

#### Construction and Maintenance Activities and Title VI

- a) As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the City’s Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 14-15) herein.
- b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.

Note: For purposes of this section, the terms “DBE requirements” or “DBA goals” will not be interpreted to require the City to undertake any action that appears to violate the constitutional rights of any non-DBE contractor under principles established in *Adarand Contractors, Inc. v. Pena* 515 U.S. 200 (1997), *City of Richmond v. J.A. Croson Co.* 488 U.S. 469 (1989), or *Western States Paving v. Washington State Department of Transportation, et. al.* 407 F.3d 983 (9<sup>th</sup> Cir. 2005) or subsequently decided mandatory case law.

#### F. Environmental Justice

1. Environmental Justice Process and Title VI

- a) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Justice Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on Environmental Justice Assessments to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the Department's Federal-aid highway activities.
- b) In order to ensure dissemination of information and foster participation from affected populations, Transportation staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
- c) Transportation staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.
  - 1. The data from the forms will be analyzed to determine if different forms of outreach should be used for future public meetings including providing additional translation services for Limited English Proficiency (LEP) populations. Additionally, the data can be used to show how the project will benefit the surrounding community (for example, providing alternate modes of transportation for low income, elderly, and young).
- d) The Coordinator shall work with the Transportation staff to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.
- e) Transportation staff are constantly reviewing and changing outreach efforts to ensure we are reaching as many people as possible including populations covered by Title VI. Efforts to improve outreach include providing translation and interpretation services as requested (e.g. in person, over the phone, and for written correspondence), providing financial stipends, providing different meeting options (e.g. virtual, public open houses, one on one, roundtables, etc.), mailing flyers, sending emails, utilizing websites for information and feedback, posting signs in prominent places, creating tactile maps for low-vision community members, and placing ads in local publications (including publications for minority communities).

**VIII. Limited English Proficient (LEP) persons**

**A. INTRODUCTION**

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

**B. EXECUTIVE ORDER 13166**

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance).

Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies, such as the City of Vancouver, governments, private and non-profit entities, and subrecipients.

## **C. PLAN SUMMARY**

The City of Vancouver has developed this Language Assistance Plan (LAP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to the City of Vancouver's services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the City of Vancouver's extent of obligation to provide LAP services, the City of Vancouver undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the City of Vancouver's service area who may be served or likely to encounter a City of Vancouver program, activity, or service; 2) the frequency with which LEP individuals come in contact with City of Vancouver services; 3) the nature and importance of the program, activity or service provided by the City of Vancouver to the LEP population; and 4) the resources available to the City of Vancouver and overall costs to provide LAP assistance. A brief description of these considerations is provided in the following section.

## **D. FOUR FACTOR ANALYSES**

### **1. The number or proportion of LEP persons eligible within the City of Vancouver service area who may be served or likely to encounter a City of Vancouver program, activity or service**

The City of Vancouver examined the US Census Data (American Community Survey Estimates 2019) and was able to determine that approximately 20% or 36,453 people, age 5 and older, spoke a language other than English. Of the 36,453 people reporting they speak languages other than English, 14,465 or 9% of respondents speak English "less than very well." See the City of Vancouver Languages Spoken at Home Chart (Exhibit 3).

### **2. The frequency with which LEP individuals come in contact with a City of Vancouver program, activity, or service**



The City of Vancouver assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying public meeting attendees. The City of Vancouver has occasionally had a request for telephone interpretation and requests for translated City of Vancouver documents; The City of Vancouver translates all major documents upon request. The staff and meetings have had minimal LEP individuals interactions.

### **3. The nature and importance of the program, activity, or service provided by the City of Vancouver to the LEP community**

There is no large geographic concentration of any one type of LEP individuals in the City of Vancouver service area; the 20% is comprised of multiple languages spoken in three categories of Spanish, Indo-European and Asian Pacific Islander. Each grouping besides Spanish can have multiple dialects or completely different languages. This may provide a challenge when providing written materials; the Language Identification Card helps to provide language interpretation specific to the need. From our experience and the citizens we see, people in the Indo-European and Asian Pacific Islander, we know that these groups are representative of many languages not conducive to written interpretation.

There are few social, service and leadership organizations within the service area that focus on outreach to LEP individuals. The City of Vancouver does have access to the Translation Services on an as needed basis both verbal and written. Written services can take time to obtain a translated document but have provided a quick turnaround of documents when needed.

### **4. The resources available to the City of Vancouver and overall costs**

The City of Vancouver assessed its available resources that could be used for providing LAP assistance. This included identifying how much a professional interpreter and translation service would cost on an as needed basis, which documents would be the most valuable to be translated if and when the populations supports taking an inventory of available organizations that we could partner with for outreach and translation efforts, and what level of staff training is needed.

After analyzing the four factors, we developed the plan outlined in the following section for assisting persons of limited English proficiency.

## **E LIMITED ENGLISH PROFICIENCY PLAN OUTLINE**

**a) How to Identify an LEP Person who Needs Language Assistance-** The tools listed below will help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When City of Vancouver sponsored workshops or conferences are held, set up a sign-in sheet table and have a staff member greet and briefly speak to each attendee. This method will allow staff to informally gauge the attendee's ability to speak and understand English, while asking open ended questions that require full sentence replies;
- Have "Translation Line" language identifier cards available for workshops, information meeting or at Customer Services Offices. While staff may not be able to provide translation

assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings.

- Staff may ascertain the language interpretation and/or translation services needed in advance at a specific location when setting up outreach locations where a significant number of individuals would benefit from assistance.
- Survey meeting attendees and other first line staff of any direct or indirect contact with LEP individuals.
- **Language Assistance Measures** - The City of Vancouver has or will implement the following LAP procedures. The creation of these steps is based on the very low percentage of persons speaking other languages or not speaking English at least “well:”
  - “Translation Line” language identifier cards are to be located at Customer Service locations at all times.
  - The computer(s) located at the City of Vancouver Customer Service offices have access to the internet for assistance in translating blocks of text for customers as well as phone and in person conversations. This will aid staff in the interpretation of services on a one- on-one basis for LEP individuals utilizing City of Vancouver services.
  - When an interpreter is needed in person or on the telephone and staff has exhausted the above options, staff will first attempt to determine what language is required. Then will contact – the current on-call language translation provider. On the phone the staff will select the Need an Interpreter Now option and follow the directions to receive interpretation services.
  - The City of Vancouver will translate public communication materials and vital documents into other languages when requested or when the LEP population meets or exceeds 5% per Federal Highway Administration requirements.
- **City of Vancouver Staff Training** - All City of Vancouver staff will be provided with the LEP Plan and will be educated on the following:
  - Understanding the Title VI policy and LEP responsibilities;
  - What language assistance services we can offer;
  - Use of language identifier cards;

- How to use the Language Line interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LAP complaint (this process is included in the City of Vancouver's Title VI plan and on the City of Vancouver's Title VI webpage [Title VI Policy | City of Vancouver, Washington, USA](#))

## **Exhibit 1 – City of Vancouver Title VI Notice to the Public**

The Transportation Department of the City of Vancouver (hereinafter referred to as the Department) hereby gives public notice that it is its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which the Department receives Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Department. Any such complaint must be in writing and filed with the Department's Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Human Resources Department at no cost to the complainant by calling (360) 487-8417.

## Exhibit 2 - Title VI Assurances (9 pages)

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination  
Assurances  
DOT Order No. 1050.2A**

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

### **Statutory/Regulatory Authorities**

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

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

### **General Assurances**

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

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

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

### **Specific Assurances**

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

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

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

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

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

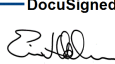
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting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

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

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

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

\_\_\_\_\_  
**(Name of Recipient)**

DocuSigned by:  
  
 by \_\_\_\_\_  
75A9183485CA467...  
**(Signature of Authorized Official)**

DATED 11/22/2022

## APPENDIX A

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

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



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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Vancouver will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Vancouver all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C

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

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

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

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

## APPENDIX D

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

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

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

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

## APPENDIX E

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

### **Pertinent Non-Discrimination Authorities:**

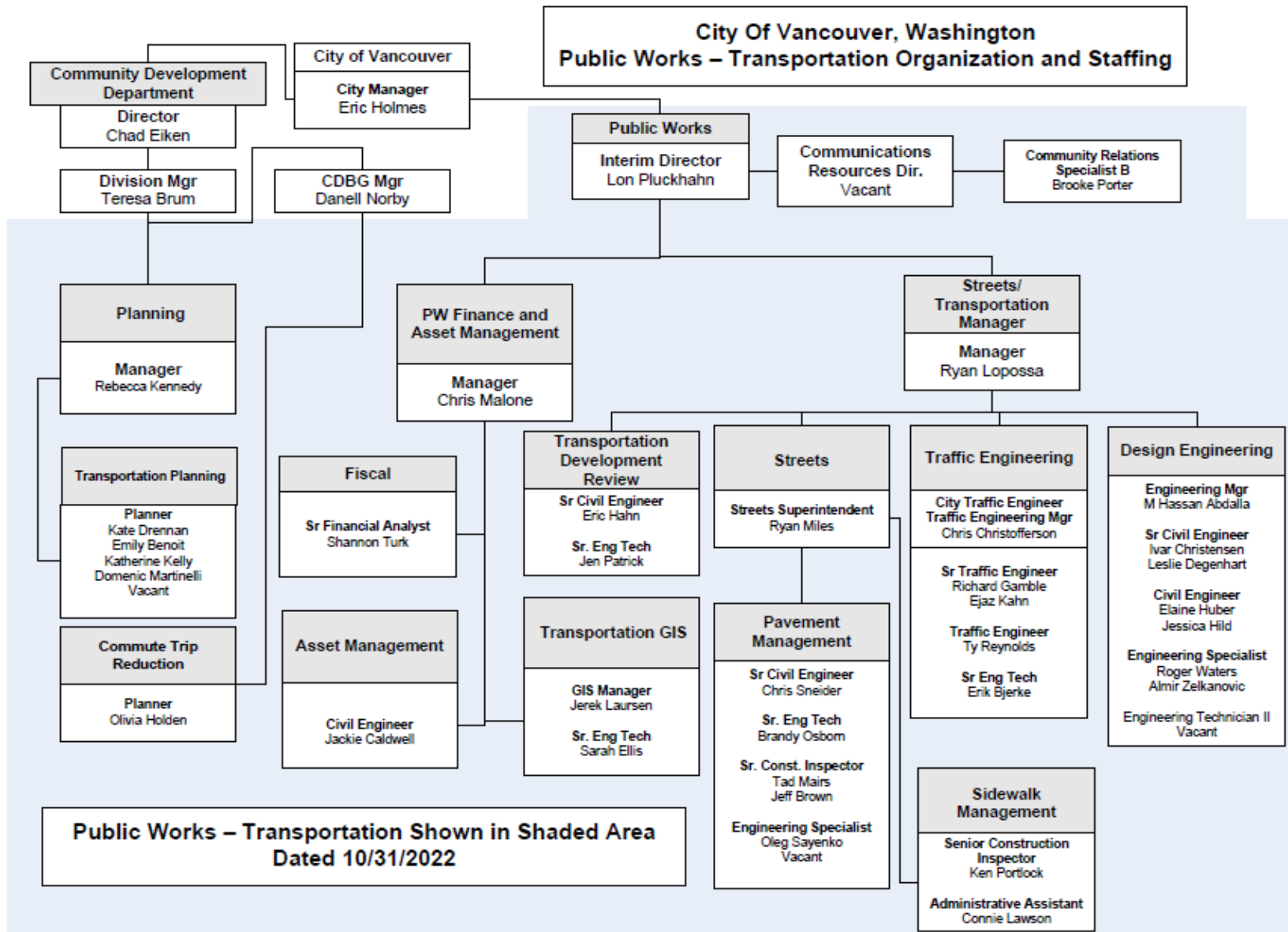
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair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

### Exhibit 3 – City of Vancouver Languages Spoken at Home:

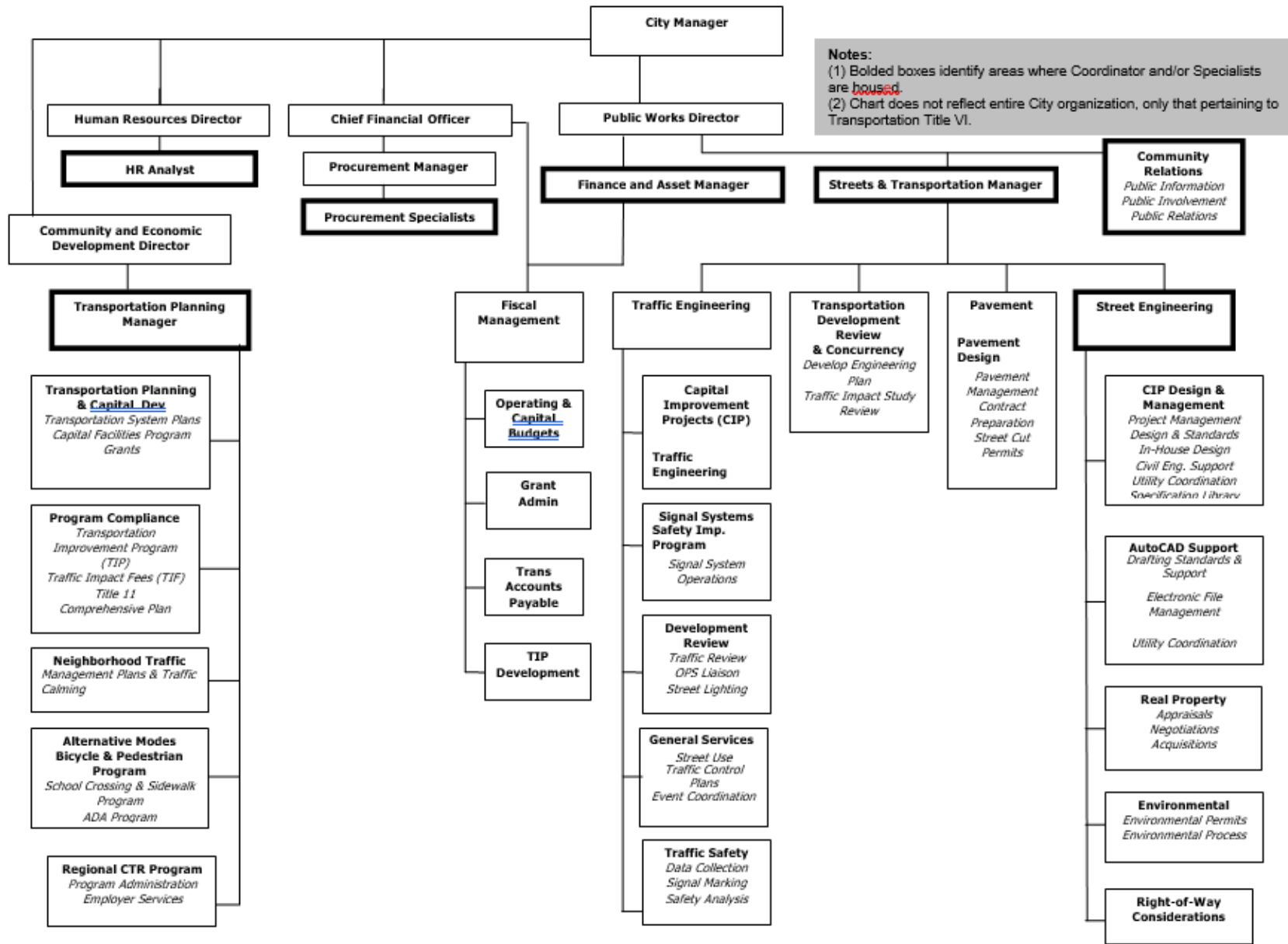
From the 2019 American Community Survey (ACS) website

✓ LANGUAGE SPOKEN AT HOME		
✓ Population 5 years and over		182,256
English only		145,803
✓ Language other than English		36,453
Speak English less than "very well"		16,465
✓ Spanish		14,418
Speak English less than "very well"		6,240
✓ Other Indo-European languages		13,088
Speak English less than "very well"		6,004
✓ Asian and Pacific Islander languages		7,038
Speak English less than "very well"		3,729
✓ Other languages		1,909
Speak English less than "very well"		492
✓ ANCESTRY		

### Exhibit 4 - Transportation Organization Chart



# Exhibit 5 - Citywide Organization Chart







If you believe that you have been discriminated against because of your race, color, or national origin (including limited English proficiency), by agency programs or activities, you may file a formal complaint by completing this form and send by e-mail to [oeoecrbcomplaints@wsdot.wa.gov](mailto:oeoecrbcomplaints@wsdot.wa.gov), or send by postal mail to:

Washington State Department of Transportation Office of Equal Opportunity  
Att: Complaints  
Box 4734, Olympia WA 98504-7314

<b>Agency Use Only</b>	
<b>Received</b>	____/____/____
<b>Response</b>	____/____/____
<b>Report</b>	____/____/____
<b>Briefing</b>	____/____/____

<b>Your Name:</b>		<b>Your Phone:</b>		
<b>Best time of day to contact you about this complaint:</b>		<b>Your Email Address</b>		
<input type="checkbox"/> 7am – 10am <input type="checkbox"/> 10am – 1pm <input type="checkbox"/> 1pm – 4pm <input type="checkbox"/> 4pm – 7pm				
<b>Your Mailing Address (Street/PO Box, City, State, Zip)</b>				
<b>What was the alleged discrimination based on? Select all applicable:</b>			<b>Date of alleged incident</b>	
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin (Including Limited English Proficiency)				
<b>Agency or person(s) responsible for the alleged discrimination.</b>				
Name	City	State	Zip Code	Phone number



**Describe the alleged discrimination. Please explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Please attach any supporting documents to this form.**

[Empty text area for describing the alleged discrimination]

PLEASE COMPLETE PAGE 3 OF THIS FORM



ADDITIONAL INFORMATION

**What remedy are you seeking for the alleged discrimination? Please note that this process will not result in the payment of punitive damages or financial compensation.**

**List any other persons that we should contact for additional information in support of your complaint. Please include their phone numbers, addresses, email addresses, etc.**

Name	City	State	Zip Code	Email	Phone number
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**List any other agencies with whom you have filed this same complaint:**

Name	State
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Signature (REQUIRED)

Date: