
**Snohomish County
Federally Funded
Transportation Program**

TITLE VI Plan

UPDATED December 2021

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Snohomish County, through the County Executive and Public Works Department, Transportation Program, consistent with the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, hereby submits its revised and updated Title VI Plan dated December 2021.

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I. Introduction

The Snohomish County Title VI Implementation Plan documents Snohomish County's roles, responsibilities and requirements under Title VI of the Civil Rights Act of 1964. Snohomish County, as a recipient of federal financial assistance, is required to comply with various nondiscrimination laws.

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) require 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.

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 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, Snohomish County is committed to:

- Create 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 Snohomish County's programs or activities.
- Ensure that our operations, benefits, and programs are accessible to all of Snohomish County's customers/citizens.
- Provide language access services to limited English proficiency (LEP) populations and individuals where appropriate.
- Address environmental justice (EJ) issues and requirements relating to minority and low-income populations where appropriate.

In June 2021 WSDOT issued a significantly revised LAG Manual Ch. 28 on Title VI that substantially changed prior and added new requirements for local program agencies. No training has been provided relating to all these changes and many local program agencies such as Snohomish County are still trying to understand and address the changes. It is a work in progress, with many changes addressed in this Plan Update, and others still to be worked out over the next year and as we get training and more understanding of the changes. For example, in this Plan Update, we have switched to the new Policy Statement (instead of the prior Policy of Nondiscrimination); the new Assurances (which now have 5 appendices but used to have 3 exhibits); the use of Primary Program Areas instead of Special Emphasis Program Areas; and the new Complaint Procedures (which used to involve our Central Human Resources, EEO Office and Prosecuting Attorney's Office and now make no reference to their roles).

We are a large organization transitioning from approximately 600 permanent employees to approximately 500 with our Surface Water Management Division joining a new County Department in 2021. With the ongoing Covid-19 pandemic, remote work by the majority of our office staff, significant ongoing retirements of long-term employees, hiring challenges and limited resources, we still have more work to do on implementing changes within our organization to address all the updated requirements and changes to Ch. 28. See our FFY 2021 Annual Report for FFY 2022 goals. We anticipate further updates to our Title VI Plan in 2022 due to the Ch. 28 changes.

II. Policy Statement, Authorities and Citations

A. Title VI Policy Statement

It is the policy of Snohomish County that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Snohomish County Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Snohomish County Public Works, including its contractors and anyone who acts on behalf of Snohomish County Public Works. This policy also applies to the operations of any department or agency to which Snohomish County Public Works extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly, neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 USC § 2000d and related statutes, 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3 and 49 CFR part 21.

A copy of the complete and signed Title VI Policy Statement is attached in **Appendix A** of this Plan.

B. Authorities

Title VI plans are required to include "Authorities" which are citations of all relevant federal statutes, regulations, executive orders and other laws/requirements that guide our transportation program. Section II of this plan contains the general authorities that apply to our department. More specific authorities for each primary program area are provided in the sections of this plan for each primary program area. They are also provided on our Public Works Title VI SharePoint site for our employees.

Title VI of the 1964 Civil Rights Act provides: "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 subjected to discrimination under any program or activity receiving Federal

financial assistance.” 42 USC 2000d. The Federal Aid Highway Act of 1973 further prevents discrimination on the basis of sex. 23 USC 324.

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 L. No.100-259 [S. 557] March 22, 1988).

C. Additional General Authorities

Additional authorities include:

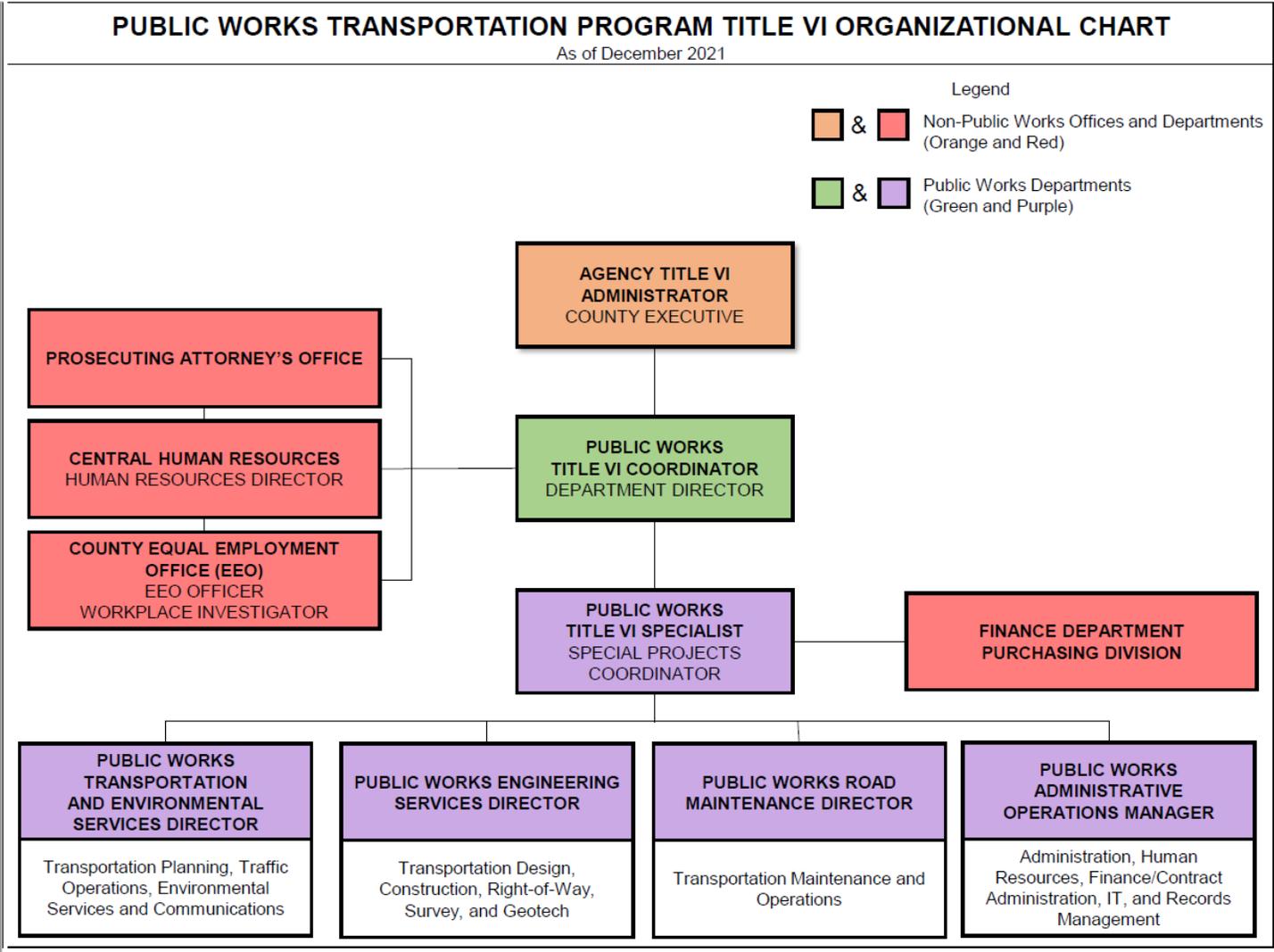
- Title VI of the Civil Rights Act of 1964 (Public L. No. 88-352), as amended, 42 USC 2000d, et seq.
- Civil Rights Restoration Act of 1987 (Public L. No. 100-259, 102 Stat. 28 (1988), also found at 42 USC 2000d et seq.)
- 42 USC 4601 to 4655
- 23 USC 109(h)
- 23 USC 324
- DOT Order 1050.2A
- Executive Order 12250
- Executive Order 12898
- Executive Order 13166
- 49 CFR 21
- 28 CFR 50.3
- 23 CFR 200

Also, see new Appendix E to the Title VI Assurances (located in **Appendix D** to this Plan). Appendix E to the Assurances also lists out “Pertinent Non-Discrimination Authorities.”

Public Works has listed out and provided links to over 70 authorities Public Works employees can access via the Public Works Title VI SharePoint site.

III. Organization, Staffing and Structure

A. Organizational Chart – Title VI Reporting Relationships



B. Staffing and Structure

1. Agency Administrator

The Agency Administrator, i.e., the Snohomish County Executive, is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that nondiscrimination is required of all local program agency (LPA) employees, contractors, and agents pursuant to 49 CFR Part 21.

Note, under the updated WSDOT Ch. 28 requirements, WSDOT refers to an Agency Administrator, a Title VI Chief Executive Officer, Signatory Authority, top LPA official, and Authorized Official in different locations. Unless instructed otherwise, we have assumed these various references are to what has historically always been the Agency Administrator for Title VI purposes.

Currently our Agency Administrator is Dave Somers, Snohomish County Executive.

2. Title VI Coordinator

The Snohomish County Executive, our Title VI Agency Administrator, has designated the Public Works Director to perform the duties of the Title VI Coordinator for the County's Federally Funded Transportation Program and ensure implementation of their Title VI program. Although the Director of Public Works has other duties and responsibilities in addition to Title VI, this position has a direct reporting relationship and direct access to the Agency Administrator.

Currently our Title VI Coordinator is Kelly Snyder, Public Works Director.

The Title VI Coordinator is responsible for identifying and eliminating discrimination when found to exist and for coordinating the overall administration of the Transportation Program Title VI Plan, including establishing, updating, and implementing the plan, programs and procedures; monitoring; data collection; training; and reporting. The Title VI Coordinator will also communicate and coordinate with the Washington State Department of Transportation (WSDOT), Federal Highway Administration (FHWA) and U.S. Department of Transportation (USDOT) as needed for Title VI compliance purposes.

Elaboration on Title VI Coordinator responsibilities are identified below verbatim, and in accordance with the WSDOT LAG Manual Ch. 28 updated guidance from June 2021, and in Section IV of this Plan. The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to WSDOT (note, this is verbatim from the new Ch. 28; however, in the new Ch. 28 complaint procedures it says, and WSDOT staff verbally confirmed, that LPA complaints are to be investigated by WSDOT, not the LPA; this discrepancy should be resolved by WSDOT);
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination; and

- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

The department director/Title VI Coordinator assigned a Special Projects Coordinator as a department-wide Title VI Specialist to actually perform the duties of the Title VI Coordinator and ensure development, implementation and compliance of the Title VI program within Public Works. The position of department-wide Title VI Specialist is located within the Administrative Operations Division of Public Works.

3. Title VI Specialists and Liaisons

The County has designated Title VI Specialists (Specialists) for each of the Public Works Divisions primarily responsible for our Transportation Program, including the following transportation primary program areas:

- Transportation and Environmental Services Division (TES)
 - Program Planning
 - Traffic Operations
 - Communications
 - Environmental Services
- Engineering Services Division (ES)
 - Design
 - Construction
 - Right-of-Way
 - Geotech/Survey
- Road Maintenance Division (RM)
- Administrative Operations Division (AdOps)
 - Administration/Human Resources
 - Contract Administration
 - Fiscal Management
 - Technology and Records Management
 - Special Projects

The key programs or department areas noted above are subject to receiving Federal financial assistance through grants or other types of transportation-related funding or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity.

The Specialists shall work in concert with the Title VI Coordinator and department-wide Title VI Specialist to ensure their respective divisions, sections, and programs comply with Title VI regulations and assurances.

- Due to the size of our organization, Public Works has also designated Title VI Liaisons (Liaisons) to assist the Specialists in transportation primary program areas.

- These Specialists and Liaisons work with the overall department-wide Title VI Specialist to support the Title VI Coordinator.

See **Appendix B** for a chart showing each Transportation Program Division, primary program areas within those Divisions, and the names of current Specialists and Liaisons.

Currently the Department-Wide Title VI Specialist is Manuela Winter, Sustainability and Special Projects Coordinator.

Title VI Specialists and Liaisons will:

- a) ensure we meet the applicable objectives of the Title VI Plan;
- b) work with the Title VI Coordinator, Public Works Contract Administration Section staff, and the County Purchasing Division to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally-funded projects or programs;
- c) ensure applicable Title VI provisions and requirements are included in contractual agreements with prime contractors and sub-recipients;
- d) work with each other, the Title VI Coordinator and the County Central Human Resources, County Demographer, Purchasing staff and other Public Works and County staff to obtain statistical data on race, color, national origin, income, handicap/disability, and sex of participants in, and beneficiaries of, federally-funded Snohomish County transportation programs, including contractors, consultants, and vendors;
- e) maintain data relative to their respective primary program area to help ensure we can meet applicable reporting requirements. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs; and
- f) provide adequate training opportunities for applicable staff as training opportunities are identified and available, and initiate training of staff when appropriate.

Public Works also includes the following Division that receives primarily non-transportation related or non-federal financial assistance: Solid Waste (SW) Division. The Title VI Coordinator, department-wide Title VI Specialist, and other Specialists and Liaisons also coordinate with and assist SW Division staff in Title VI related compliance work. In January 2021, what was the Public Works Surface Water Management (SWM) Division became part of a new County Department of Conservation and Natural Resources (DCNR). Coordination on Title VI compliance is ongoing with Public Works and SWM/DCNR.

All Public Works management is responsible for identifying and eliminating discrimination when found to exist. They also work closely with our department Contract Administration staff and County Purchasing Division on any Public Works contracts with consultants, contractors, subcontractors, suppliers and manufacturers to assure every effort is made to ensure

nondiscrimination in their programs and activities. Coordination with our County Prosecuting Attorney's Office also occurs as needed (e.g., advising on Assurances in Franchise Agreements language).

4. Coordination with Other Key County Departments and Offices

As shown on our Organizational Chart, the key County departments and offices that work with Public Works to support Title VI Compliance are:

- Central Human Resources Department, including its Equal Employment Opportunity Office
- Prosecuting Attorney's Office
- Finance Department, Purchasing Division
- Executive Office

The Title VI Coordinator, and Title VI Specialists and Liaisons will work closely, if needed, with the County's Equal Employment Opportunity (EEO) Office and the Prosecuting Attorney's Office on any discrimination complaints, and with the County's Purchasing Division on purchasing procedures and equal opportunities for goods and service providers to participate in the competitive process. Public Works will also work with our Executive Office as appropriate and on any unique program or project details.

IV. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Snohomish County's compliance with Title VI requirements for the Public Works Transportation Program 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 Agency Administrator and the Public Works Director.

See Section VIII. for descriptions and responsibilities associated with each primary program area.

B. Complaints

Work with WSDOT, and as appropriate the County Equal Employment Opportunity Office and Prosecuting Attorney's Office to ensure all Title VI complaints occurring within Snohomish County Public Works are investigated following the County's Title VI Complaint Procedures (see Section VI. Complaint Procedures). When possible, ensure every effort is made to resolve complaints informally at the local or regional level. Respond to Title VI inquiries and complaints, including providing notice to the public. See **Appendix C** for a copy of the Snohomish County Title VI Notice to the Public.

C. Data Collection

Review the statistical data gathering process performed by Title VI Specialists and Liaisons periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. See Section VII. Implementation Activities in Primary Program Areas.

The LAG Manual Ch. 28 updates have significant new requirements relating to Data Collection. We are still working on how we are going to fully address these requirements and will update this Plan further in 2022. We are still requesting WSDOT to provide Level 2 training on Ch. 28, including the new data collection requirements.

D. Environmental Justice/NEPA Environmental Reviews

USDOT and FHWA policy requires recipients/subrecipients to incorporate Environmental Justice (EJ) principles throughout all programs and activities and ensure that the public (inclusive of minority and/or low-income populations) has access to information concerning environmental impacts of proposed actions. Public Works has guidance for considering EJ issues under Title VI, and also considers EJ for projects subject to NEPA environmental reviews. Depending on the nature and scope of environmental issues included, we ensure that available, useful and relevant U.S. Census and/or American Community Survey data are

considered in the preparation of Environmental Impact Statements/Assessments (EIS/EA) for Public Works programs or projects receiving Federal Highway Administration or other Federal assistance. See Section VIII. Implementation Activities in Primary Program Areas for more details.

The LAG Manual Ch. 28 updates puts significantly more emphasis on compliance with EJ requirements, and Public Works is conducting a review and initiating internal coordination on current practices for addressing EJ requirements and how we might update internal guidance and practices to better address and document compliance. Although we have coordinated with WSDOT in the past on our internal EJ guidance/documentation, we anticipate this portion of our plan may be further updated in 2022 to further describe our policies and procedures to prevent, mitigate, and correct the possible high and adverse disproportionate burdens or environmental effects of our agency's programs, policies and activities on minority and/or low-income populations.

There are more data collection and analysis, and studies and plans, requirements in the LAG Manual Ch. 28 updates that we are still evaluating how to best address and include in updated procedures/guidelines for employees, including identifying all transportation studies and plans conducted each reporting year and their data sources. We will update this Plan to address this work once we have a better understanding of exactly what WSDOT is expecting.

E. Training Program

Conduct or facilitate training on Title VI issues and regulations for County employees, including Title VI Specialists and primary program area Liaisons; and facilitate Title VI training for County Transportation Program contractors and sub-recipients. A summary of training conducted will be reported in the annual Title VI accomplishment and updates reports.

F. Title VI Plan Update

Review and update the Snohomish County Transportation Program Title VI Plan as needed or required. Present the updated plan to the Agency Administrator for approval; submit amended Plan to WSDOT.

G. Annual Accomplishment and Update Report.

Prepare an annual report of Title VI accomplishments and changes to the program; identify goals and objectives for the upcoming year as required; and submit an annual report to WSDOT each year.

H. Public Dissemination/Outreach and Engagement/Participation, including Limited English Proficiency (LEP) Compliance

Work with County staff to develop and disseminate Title VI program information to Snohomish County Public Works employees 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, internal SharePoint and external website postings, and publication in informational brochures. Ensure public service announcements or notices are posted regarding proposed projects, hearings, meetings, or formation of public advisory boards,

in newspapers or other media, or mailings reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English to address LEP requirements and needs.

The LAG Manual Ch. 28 updates elaborate on this requirement. We are reviewing the requirements, our current practices and internal guidance, and may develop additional internal policies, practices and guidance on public dissemination/outreach and engagement/participation, including compliance with LEP requirements, in 2022. We will update our Title VI Plan as appropriate.

I. Elimination of Discrimination

Work with the Snohomish County Equal Employment Opportunity Office, Central Human Resources Department, Prosecuting Attorney's Office, County Purchasing Division, and others as needed to promptly resolve deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any County processes.

J. Maintain Legislative and Procedural Information

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

V. Title VI and Related Nondiscrimination Training

In keeping with adopted Snohomish County policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable Title VI related educational and training opportunities. Public Works Title VI Specialists and Liaisons 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. Title VI Training and Related Nondiscrimination Training

The Title VI Coordinator is responsible for overall Title VI training and staff development for Title VI Specialists and Liaisons and other County employees. The Coordinator will strive to organize or conduct a minimum of one internal Title VI training session annually. The Coordinator may organize and/or facilitate Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

The County's Central Human Resources Department, EEO Office, and/or Public Works may, and often does, offer other non-discrimination related training each year. Public Works will collect employee attendance statistics to include in the annual Title VI accomplishment report.

Public Works has been aware or notified of very few Title VI related trainings offered by the National Highway Institute (NHI) in the past 10 years. When the Title VI Coordinator becomes aware or is notified of such trainings in the future, the Title VI Coordinator will coordinate with other Public Works management to establish policy for the selection of participants interested in taking part in the NHI trainings to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex.

B. Selection of Instructors

As needed, the Title VI Coordinator will collaborate with Snohomish County's Purchasing Division and appropriate Public Works staff to ensure Snohomish County policy is followed in the selection of instructors for training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the County will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

VI. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, or under Executive Order 12898 on Environmental Justice, or under any related statutes and regulations, relating to any program or activity administered by the Snohomish County Department of Public Works or its sub-recipients, consultants, and/or contractors. The Snohomish County Department of Public Works is responsible for ensuring that all Title VI discrimination complaints occurring within the Federal-aid transportation program or its activities are investigated. If a complaint is against the Department of Public Works, the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity (OEO) will investigate the complaint.

Intimidation or retaliation of any kind is prohibited by law.

Note: The LAG Manual Ch. 28 requirements pertaining to Complaints was significantly updated in 2021. After consultation with WSDOT and our Prosecuting Attorney's Office, we have substantially updated our complaint procedures (below) to be consistent with the new WSDOT requirements of local program agencies. Our Title VI Plan, which contains these procedures, is available to the public on our website. We are in the process of updating our complaint form and procedures on our Title VI website, taking WSDOT's new templates into account, and the new documents will be made available in early 2022. In the meantime, our current form requests the same substantive information as WSDOT's new template form.

B. Procedures

1. Instructions to Claimants

Discrimination Complaint Procedure for Snohomish County Public Works

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

Complaints related to the Federal-aid programs may be filed with Snohomish County Public Works and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Snohomish County Public Works Title VI Coordinator.

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 Snohomish County Public Works 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.

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact Snohomish County Public Works Title VI Coordinator 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 Snohomish County Public Works Title VI Coordinator.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones Snohomish County Public Works 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.

Snohomish County Public Works 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.

Please use the Snohomish County Department of Public Works Title VI Complaint Form and submit it to:

Snohomish County
Department of Public Works
Attention: Title VI Coordinator
3000 Rockefeller
Everett, WA 98201

Form available via Public Works Title VI
Website
(<http://www.snohomishcountywa.gov/2028/Title-VI>)
Or call 425-388-6660 (TTY: 711)

Or via E-Mail (spw-titlevi@snoco.org)

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

What happens after a complaint is filed?

Upon receipt of the complaint, the Title VI Coordinator will determine whether the Snohomish County Department of Public Works has jurisdiction over the complaint, the acceptability of the complaint, and whether additional information is needed.

The Title VI Coordinator will send the Complainant a written notice of receipt of the complaint within ten (10) working days from receipt of the complaint and will forward a copy of the complaint to the Snohomish County Equal Employment Opportunity (EEO) Office and WSDOT Office of Equal Opportunity.

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.

These procedures do not deny the right of the complainant to file formal complaints with other local, state or federal agencies, or to seek legal counsel for complaints alleging discrimination. These procedures are part of an administrative process and remedies do not include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The Title VI Coordinator will make every effort to pursue a resolution to the complaint.

KEY DEFINITIONS for these specific procedures:

Aggrieved Party – a person with a legally recognized interest who claims they were discriminated against.

Complainant – a person who brings forth or makes the Title VI complaint. A complainant does not have to be the same person as the aggrieved party.

Respondent – a person who allegedly did the discriminatory act or actions and who responds to the complaint, or someone who acts on their behalf to respond to the complaint.

VII. Sub-Recipient Review and Remedial Action Procedures

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

Title VI Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Snohomish County staff will review select recipients of Federal-aid highway or other Federal funds to ensure adherence to Title VI requirements. Title VI Specialists and Liaisons will work cooperatively, and with the County's Purchasing Division, 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 will collaborate with County staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language, provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of Federal-aid highway programs at either the County or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Snohomish County will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Snohomish County will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews of sub-recipients, the County will reduce to writing any recommended remedial action agreed upon by the County and sub-recipient and provide a copy of the letter within a period not to exceed 90 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, Snohomish County 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 by the Title VI Coordinator 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, Snohomish County and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VIII. Implementation Activities in Primary Program Areas

A. Planning, Traffic, Communications, and Environmental Services

1. Planning: TES – Program Planning Section

The Transportation and Environmental Services Division (TES) Program Planning Section has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to County citizens. TES Program Planning updates the Transportation Element (TE) of the Snohomish County Growth Management Act Comprehensive Plan. The TE includes transportation projects and strategies necessary to address the 20-year projected population and employment growth. The TE also includes a financial plan for financing the needed projects and strategies. Additionally, Program Planning is responsible for updating and revising the transportation policies contained in the Comprehensive Plan's General Policy Plan. TES annually updates and coordinates Snohomish County's six-year plan for transportation improvement programs and projects (i.e., the Transportation Improvement Program (TIP) and Annual Construction Plan (ACP)). The update also informs other Snohomish County 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, 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. TES also works with other Public Works Management to implement the County's Annual Construction Program.

a) Program Planning and Title VI Responsibilities

(1) Coordinate with other Public Works Divisions and Sections, other local, state and federal agencies, regional organizations, and the public in addressing transportation in Snohomish County. Staff will take into account demographic statistics and Environmental Justice (EJ) considerations when evaluating transportation improvement programs and projects, in coordination with the Title VI Coordinator, communications, environmental, and other department staff.

(2) Program Planning, Communications, Environmental, Design, and other department staff (see Section VII.A. 4 below) will work together to utilize demographic data from the U.S. Census, American Community Survey, and other sources to help identify and address EJ and Limited English Proficiency (LEP) issues, including meaningful access to information and development of the public outreach and involvement process.

(3) Provide a copy of the approved Annual Construction Program to the Title VI Coordinator and department Title VI Specialist within the first quarter of each year. Projects in the approved Annual Program will be included on the demographic

maps reviewed by the Title VI Coordinator and other Public Works management and staff.

- b) Work closely with Communications Section staff in the planning of public involvement, public meetings or other communication strategies associated with planning activities conducted by the Program Planning Section.

2. Traffic: TES –Traffic Operations Section

The TES Traffic Operations Section is responsible for the safe, efficient and reliable movement of people, goods and services on unincorporated county roads including streets within client jurisdictions. Agencies the County performs reimbursable work for are responsible for Title VI compliance within their jurisdiction. This section works closely with all divisions within the department to ensure appropriate design, operations and maintenance are addressed for all roadway users. The section manager is also responsible for coordinating and ensuring compliance with the Americans with Disabilities Act (ADA) and related applicable laws and regulations for Public Works transportation infrastructure. Roadway traffic conditions involve regular communication and cooperation with other county departments, jurisdictions, organizations, residents and businesses both within the county as well as the greater Puget Sound region.

- a) Traffic Operations and Title VI Responsibilities:
 - (1) Provide appropriate provisions at signalized intersections for all users including pedestrians, bicyclists, transit and/or the disabled, as applicable.
 - (2) Work closely with other sections, divisions and departments to ensure that appropriate provisions are provided to address the ADA within the public right-of-way.
 - (3) If accessible meeting facilities and/or translation services are requested or determined appropriate, Traffic Operations staff will coordinate with the Communications Section and others in the County to provide such services.

3. Communications: TES – Communications Section

The TES Communications Section provides public outreach, involvement and communication support for the Transportation Program.

a) Communications and Title VI Responsibilities:

In coordination with other Public Works sections and divisions, the Communications staff will:

- (1) Assist Title VI Coordinator and Specialists, program planning, environmental, design, right-of-way, maintenance and other department staff to ensure we evaluate applicability of, and help comply with, Limited English Proficiency (LEP) and Environmental Justice (EJ) requirements for our transportation

improvement programs and projects. Communications staff will utilize and consider demographic data and other sources of information to help identify and address LEP and EJ issues.

(2) Incorporate adequate time into the project communication planning process to invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning and project outreach process by disseminating written program or project information to minority media and ethnic organizations, providing public service announcements for all local media, forming citizen advisory committees or planning boards with diverse representation when available, planning for public meetings, and generally requesting public involvement.

(a) Communications staff will assist Program and Project Managers and other staff in providing, as appropriate, EJ and LEP populations with meaningful access to information and inclusion in program and project public outreach and involvement processes.

(3) Assist in conducting background research on all projects to determine the community composition and appropriate outreach, and ensure translation or interpretation services are available if the need is anticipated.

(4) Ensure access to public meetings by selecting accessible meeting locations and times; conducting evening meetings in a variety of community buildings throughout the County, including those along transit routes; and striving to ensure public meetings are held in predominately minority communities when projects will specifically impact those communities.

(5) Work with design, environmental and other staff to ensure the public has information pertaining to the right to call or write the Department to view project plans and discuss environmental problems.

(6) Attempt to obtain demographic data at community meetings and public hearings pertaining to the transportation design phase of projects. Data will be gathered through use of a voluntary sign-up form which includes racial/ethnic designation, gender, preferred language, and suggested locations to share project information. Copies of the voluntary self-reporting forms will be provided to the Title VI Coordinator via the department's Title VI Specialist after each meeting.

4. Environmental Services: TES Environmental Services Section, and Other Environmental Staff

The TES Environmental Services Section staff and other Public Works environmental staff assist in addressing environmental considerations and regulatory compliance for programs and

projects relating to the Public Works Transportation Program. They work with regulatory agencies, other jurisdictions, special interest groups, consultants and contractors, and members of the public in addressing environmental issues and acquiring environmental permits and other approvals for projects. Studies are performed to assess various environmental factors as they relate to the implementation of the County's Annual Construction Program, including evaluating demographic data.

- a) Environmental and Title VI Responsibilities:
 - (1) Monitor compliance with Title VI requirements in all aspects of conducting environmental reviews and permitting, including Environmental Impact Statements or Assessments, in coordination with the Title VI Coordinator, Specialists and Liaisons, and other department staff.
 - (2) Work with the Title VI Coordinator and Specialists in development of maps by GIS staff that show planned transportation projects in relation to demographic data of the neighborhoods affected by the projects. Maps will incorporate relevant U.S. Census and American Community survey data.
 - (3) Evaluate each transportation program or project for environmental issues and regulatory compliance requirements, including potential social and economic impacts. Most projects are reviewed under the State Environmental Policy Act (SEPA) and projects with federal funding and/or permits are also reviewed under the National Environmental Policy Act (NEPA). Depending on the scope, complexity, and impacts of a project, a SEPA checklist, SEPA Determination of Non-Significance, SEPA EIS, NEPA Categorical Exclusion (typically a WSDOT Environmental Classification Summary (ECS) Form, NEPA Environmental Assessment (EA), and/or NEPA Environmental Impact Statement (EIS), will be completed.
 - (4) Environmental staff will evaluate applicability of, and help ensure compliance with, Environmental Justice (EJ) and Limited English Proficiency (LEP) requirements from a Title VI perspective when conducting environmental reviews of programs and projects.
 - (5) Assist in collecting and conducting background research on program and project areas of potential impacts to determine the community composition, taking into account demographic data from the U.S. Census, American Community Survey and other sources (e.g., schools, community centers, businesses, etc.). Coordinate as appropriate with the Title VI Coordinator, Specialists, and Liaisons; other program planning, communications, design, right-of-way, and maintenance staff, and other department staff as appropriate, to evaluate and consider this data from a Title VI compliance perspective for our transportation improvement programs and projects.

(6) Environmental staff will incorporate adequate time into the environmental review process to consult with the Title VI Coordinator and Specialists, as applicable, on any EJ and LEP issues and to coordinate, review and comment on draft NEPA, SEPA and Title VI documents. Environmental staff will coordinate with Project Managers and Title VI Specialists to compile and track NEPA, SEPA, EJ, LEP and related data for use in Title VI project documentation and annual reports.

5. Authorities/Operational Guidelines: Planning, Traffic, Communications and Environmental

Snohomish County Code 3.57.010, Affirmative Action Statement of Policy
23 CFR 450, FHWA Planning Assistance and Standards
RCW 35.77, Streets, planning, establishment, construction, and maintenance
RCW 36, Counties
RCW 47.06, Statewide Transportation Planning
RCW 47.80 Regional Transportation Planning Organization (i.e., Puget Sound Regional Council)
Executive Order 12898 on Environmental Justice
Executive Order 13166 on Limited English Proficiency
42 USC 4321, National Environmental Policy Act (NEPA)
40 CFR 1500, 23 CFR 771, NEPA regulations
49 CFR 622, Environmental Impact
43.21C RCW, State Environmental Policy Act (SEPA)
Ch. 197-11 WAC, SEPA regulations
Washington Growth Management Act (36.70A RCW)
Snohomish County Comprehensive Plan and Related Policies
SCC Title 11
RCW 47.36.030, Manual on Uniform Traffic Control Devices (MUTCD)
WAC 468.95, MUTCD
Snohomish County Engineering and Development Design Standards (EDDS)
WSDOT Design Manual

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site.

B. Design, Construction and Right-of-Way

The Engineering Services Division (ES) is responsible for the design and construction of transportation projects, as set forth by policy decisions and supervision of the County Engineer. Although not called out in our Title VI Plan as primary program areas, the ES Survey and Geotechnical Sections also work closely with the ES Design and Construction Sections, and others in Public Works to deliver our transportation Capital Improvement Program (CIP) projects.

1. DESIGN: ES – Design Section

The ES Design Section has responsibility for design and engineering of transportation CIP projects, including the designing of our roadways, bridges, and pedestrian facilities; overseeing

design consultants; and assembling Requests for Proposals and Bid Packages in coordination with the ES Construction Section, AdOps Contract Administration and the County's Purchasing Division.

a) Design and Title VI Responsibilities:

(1) Work closely with Program Planning, Traffic Operations, Communications, Environmental, Right-of-Way and other department staff during the design of our transportation projects. Economic, social, topographic, traffic operations, and environmental impact of a proposed project are key factors weighed in location and design considerations.

(2) Assist Title VI Coordinator and Specialists and other department staff to ensure we evaluate applicability of, and help comply with, Limited English Proficiency (LEP) and Environmental Justice (EJ) requirements for our transportation improvement programs and transportation projects. Design staff will help collect, utilize and consider demographic data and other sources of information to help identify and address LEP and EJ issues. Project Managers have overall responsibility for Title VI compliance at the project level, including ensuring adequate documentation for project files and annual reporting.

(a) Work closely with Environmental and Communications staff during the design phase to help avoid or minimize the environmental impact of a project, including identifying and addressing potential EJ related impacts.

(b) Work closely with Communications, Environmental and Right-of-Way staff and others to comply with LEP requirements, and coordinate public outreach, involvement and communication, as appropriate, for each project. Access to information and the need to provide information in alternative languages are considerations addressed with Communications, Environmental, and Right-of-Way staff, and the Title VI Coordinator, Title VI Specialists, and other staff as appropriate.

(3) Work closely with Public Works Contract Administration staff and the County Purchasing Division to ensure all applicable federal transportation-related contractual requirements, including Title VI related requirements are included in Requests for Proposals and Bid Packages.

(a) Review and ensure all appropriate Title VI language is placed in bid announcement and applicable construction documents, consistent with the County's Title VI Policy Statement (see Section I.A) and Title VI Assurances (**Appendix D**).

2. CONSTRUCTION: ES – Construction Section

The ES Construction Section is responsible for oversight and inspection of all new transportation construction projects.

a) Construction and Title VI Responsibilities:

- (1) Work closely with our Contract Administration and, as appropriate, the County's Purchasing Division for Contractors and Sub-Contractors compliance with all applicable contracts and other legal requirements, and overall contracting and purchasing activities during project construction.
- (2) Review and ensure all appropriate Title VI language is placed in bid announcements and applicable construction documents, consistent with the County's Title VI Policy Statement (see Section I.A) and Title VI Assurances (**Appendix D**).
- (3) Recommend award of construction contracts on the basis of lowest responsive bidder.
- (4) Monitor all construction operations to ensure nondiscrimination.
- (5) Interview Contractor Staff to assure compliance with prevailing wage requirements.
- (6) Work closely with communication, environmental, and other staff to help avoid or minimize the environmental impact of a project during construction and, as needed, to address any Limited English Proficiency or Environmental Justice issues.

3. Authorities/Operational Guidelines: Design and Construction

Snohomish County Code, Chapter 13, Roads and Bridges
WSDOT Local Agency Guidelines
WSDOT Design Manual
WSDOT Bridge Design Manual
WSDOT Highway Runoff Manual
WSDOT Standard Specifications
WSDOT Standard Plans for Road, Bridge and Municipal Construction
WSDOT Construction Manual
WSDOT Maintenance Manual
WSDOT Environmental Procedures Manual
23 USC 109, 217, 315, 402
49 CFR Part 622
APWA - M21-01
AASHTO Bridge Design Specifications

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site.

4. Right-of-Way Activities: ES – Right-of-Way Section

The ES Right-of-Way Section manages and coordinates the appraisal and acquisition of real property and relocation assistance services for transportation and other Public Works 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.

a) Right-of-Way and Title VI Responsibilities:

- (1) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements and follow adopted County vendor procurement policies in the acquisition of contracted services.
- (2) 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 department Title VI Specialist on a quarterly basis.
- (3) Follow the guidelines in the WSDOT's Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504 of the Rehabilitation Act of 1973.
- (4) Adhere to departmental policy for 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 and provide copies of relocation assistance literature produced by WSDOT and any information produced concerning Snohomish County's Title VI compliance efforts.
- (5) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- (6) Ensure that in the property acquisition process, comparable replacement dwellings are available and assistance is given to all displaced persons and entities.
- (7) Assist project design, communications, environmental and other staff with data gathering and documentation, determining community composition, and communications with property owners, lessees, renters and others, as appropriate, to help ensure we evaluate applicability of, and compliance with, Limited English Proficiency and Environmental Justice requirements for projects. Access to information and the need to provide information in alternative languages are considerations addressed

with Communications, Environmental, and Design staff, and the Title VI Specialists, and other staff as appropriate.

5. Authorities/Operational Guidelines: Right-of-Way

WSDOT Right of Way Manual
WSDOT Local Agency Guidelines Manual
29 USC 794
42 USC 61 (AKA 42 USC 4601 to 4655)
23 CFR 130
49 CFR 24, 27
RCW 8.8, 8.25, 8.26
RCW Chapter 47
WAC 468.100

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site.

C. Maintenance Activities

The Road Maintenance Division is responsible for maintaining County roads and bridges by economically utilizing the resources of county personnel, equipment, materials and, on a limited and as-needed basis, contractors.

1. Maintenance and Title VI Responsibilities:

- a) Monitor all maintenance operations and management practices to ensure nondiscrimination.
- b) Work closely with our Contract Administration Section, other Public Works Sections, and the County's Purchasing Division, when appropriate, for Contractors and Sub-Contractors compliance with all applicable contracts and other legal requirements, and overall contracting and purchasing activities.
- c) Work closely with environmental staff to help avoid or minimize the environmental impact of a project during maintenance and operations.
- d) Work closely with the Title VI Coordinator and Specialists, Communications staff and others to comply with LEP requirements, and coordinate public outreach, involvement, and communication, as appropriate, for each project. Access to information and the need to provide information in alternative languages are considerations addressed with Communications and the Title VI Coordinator, Title VI Specialists, and other staff as appropriate.

2. Authorities - Maintenance

WSDOT Maintenance Manual
WSDOT Construction Manual
WSDOT Standard Specifications for Road, Bridge and Municipal Construction Section

RCW 36.80
SCC Title 13

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site.

D. Administration, Human Resources, Contracts, Technology and Records, and Special Projects

The Administrative Operations Division (AdOps) is responsible for overall administrative operations within Public Works, including department human resources services and contract administration. With this Title VI Plan update we are adding as primary program areas, the AdOps Information Technology and Records Management section and Special Projects. These sections of AdOps also work closely with the other AdOps sections and others in Public Works to deliver our transportation program and CIP projects.

1. Human Resources:

Public Works Human Resources staff work with all Public Works management and staff, in coordination with our County Central Human Resources Department, to provide training and enforcement of County hiring, nondiscrimination, harassment, violence prevention and similar human resources related laws, regulations, policies, procedures and/or guidelines.

a) Human Resources and Title VI Responsibilities:

- (1) Assist, as needed, with Title VI and other nondiscrimination related training, and the tracking of training statistical data for use by the Title VI Coordinator and preparation of our Annual Accomplishments and Update Reports.
- (2) Work with our County Central Human Resources Department to obtain gender and racial/ethnic designation employee statistics for use in our Annual Reports.
- (3) Assist with creation and maintenance of our Public Works Title VI SharePoint site and website.
- (4) Assist the Title VI Coordinator with gathering and responding to Title VI inquiries or complaints.

2. Contracts:

The AdOps Contract Administration Section works with all Public Works Divisions and our County Purchasing Division and Prosecuting Attorney's Office on development and management of contracts and purchasing, including hiring of consultants and contractors.

Public Works staff from different Divisions work with Contract Administration staff to request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects. Consultant use from different divisions of Public Works are drawn from an approved list of consultants that comply with all State and County regulations and requirements.

- The Snohomish County Department of Public Works, together with the Snohomish County Purchasing Division, is responsible for the competitive selection of consultant firms and final contract negotiation and award.

Contract Administration staff is also responsible for administering all construction contracts and for ensuring compliance with contract provisions, including DBE goals and EEO requirements from our contractors. Contract Administration staff work closely with other Public Works Divisions in ensuring compliance under each contract.

a) Contract Administration and Title VI Responsibilities:

- (1) Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to have contractor proactively achieve the goal(s).
- (2) Include Title VI assurance and provision language in all Federally-funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations. A copy of the form of the contract and any amendments or updates that may occur over time shall be provided to the Title VI Coordinator.
- (3) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs, which perform commercially useful functions.
- (4) Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- (5) Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.

3. Technology and Records Management

The AdOps Technology and Records Management Section works with all Public Works Divisions and the County Information Technology Department on the development and management of department technology, software systems, databases and records, including the coordination of responses to public records requests.

a) Technology and Records Management and Title VI Responsibilities:

As a new primary program area, we are still refining their Title VI responsibilities and will provide details in our next update to the Plan.

4. Special Projects

The AdOps Special Projects Section works with all Public Works Divisions and the County Facilities Department on the development and management of department owned

facilities/properties, site development, sale and acquisition of properties, and utility franchise agreements.

a) Special Projects and Title VI Responsibilities:

As a new primary program area, we are still refining their Title VI responsibilities and will provide details in our next update to the Plan.

5. Authorities/Operational Guidelines:

Snohomish County Code, Chapter 3.04
WSDOT Standard Specifications
WSDOT Local Agency Guidelines
48 CFR 31
23 CFR 172
2 CFR 200

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site.

APPENDIX A

Complete and Signed Copy of Snohomish County Title VI Policy Statement

Snohomish County
Federally Funded
Transportation Program
Title VI Plan
For Federal Fiscal Year (FFY) 2021

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SNOHOMISH COUNTY TITLE VI POLICY STATEMENT

It is the policy of Snohomish County that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Snohomish County Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Snohomish County Public Works, including its contractors and anyone who acts on behalf of Snohomish County Public Works. This policy also applies to the operations of any department or agency to which Snohomish County Public Works extends federal financial assistance. Federal financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly, neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 USC § 2000d and related statutes, 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3 and 49 CFR part 21.

Dave Somers, County Executive
Snohomish County Title VI Agency Administrator

Date

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APPENDIX B

Title VI Coordinator, Specialists, and Primary Program Area Title VI Liaisons

Snohomish County
Federally Funded
Transportation Program
Title VI Plan
For Federal Fiscal Year (FFY) 2021

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Public Works Title VI Coordinator, Specialists and Liaisons

Title VI Coordinator: Kelly Snyder, Director		
Name	Title	Primary Program Area
Manuela Winter	Department-Wide Title VI Specialist, Special Projects Coordinator	Supports Coordinator, all Primary Program Areas, and rest of department.
Transportation and Environmental Services Division (TES)		
Steve Dickson	Title VI Specialist, TES Division Director	Oversees Transportation Planning, Traffic Operations, Environmental Services, and Communications
Max Phan	Title VI Liaison, Engineering Manager	Program Planning, Environmental Services
Mohammad Uddin	Title VI Liaison, Traffic Operations Manager	Traffic Operations
Fay Lim	Title VI Liaison, Communications Supervisor	Communications
Engineering Services Division (ES)		
Janice Fahning	Title VI Specialist, Engineering Services Division Director	Oversees Transportation Design, Construction, Right-of-Way, and Geotech/Survey
Charlie Green	Title VI Liaison, Design Manager	Design
Brian Larmore	Title VI Liaison, Construction Manager	Construction
Jane Anderson	Title VI Liaison, Right-of-Way Supervisor	Right-of-Way
Road Maintenance Division (RM)		
James Parker	Title VI Specialist, Road Maintenance Division Director	Oversees all Road Maintenance activities
Jami Sweeney	Title VI Liaison, Administration & Planning Manager	Oversees all Road Maintenance administrative and planning activities
Administrative Operations Division (AdOps)		
Brian Beason	Title VI Specialist, Administrative Operations Division Manager	Oversees all administrative operations, including human resources, contracts, records, technology, and fiscal management
Diane Langston	Title VI Liaison, PW Supervisor	PW Human Resources and Payroll
Bill Thornton	Title VI Liaison, Contract Administration Supervisor	Contract Administration
Kathryn Fugere	Title VI Liaison, Technology Manager	Technology and Records Management
Randy Blair	Title VI Liaison, Special Projects Manager	Special Projects, including franchise agreements

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APPENDIX C

Snohomish County Title VI Notice of Title VI Rights

Snohomish County
Federally Funded
Transportation Program
Title VI Plan
For Federal Fiscal Year (FFY) 2021

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Snohomish County

Title VI

Notice of Title VI Rights

Your Rights against Discrimination under Title VI of the Civil Rights Act of 1964

Snohomish County hereby gives public notice that it is the County's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI and related laws require 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 Snohomish County 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 Snohomish County. Any such complaint must be in writing and filed with the Snohomish County Public Works Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. The Title VI Complaint Procedures and Form may be obtained from the Title VI Coordinator at no cost to the complainant by calling 425-388-6660 (TTY: 711) or visiting our Public Works Title VI Website at:

<http://www.snohomishcountywa.gov/2028/Title-VI>

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APPENDIX D

Snohomish County Title VI Assurances

Snohomish County
Federally Funded
Transportation Program
Title VI Plan
For Federal Fiscal Year (FFY) 2021

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Snohomish County Title VI Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

Snohomish County (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:

"Snohomish County, 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, Snohomish County 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 Public Works department 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 Public Works department. You must keep records, reports, and submit the material for review upon request to the Public Works department, 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.

Snohomish County 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.

Snohomish County
(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____

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 Snohomish County 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 Snohomish County 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 Snohomish County 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 Snohomish County, its successors and assigns.

Snohomish County, 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 Snohomish County 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, Nondiscrimination 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 Snohomish County 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, Snohomish County 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, Snohomish County 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 Snohomish County 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 Snohomish County 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, Snohomish County 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, Snohomish County will there upon revert to and vest in and become the absolute property of Snohomish County 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).

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