

**TITLE VI ANNUAL ACCOMPLISHMENT AND UPDATE REPORT
FOR
OFFICE OF THE SPOKANE COUNTY ENGINEER
FFY 2006/2007**

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1.0 OVERVIEW

Chapter 28, *Title VI Program*, of the Local Agency Guidelines manual was issued by the Washington State Department of Transportation in May of 2005. The Chapter requires that local agencies serving a population of 100,000 or more develop a “Title VI Plan,” which is to be submitted to the WSDOT Office of Equal Opportunity for review and approval. [LAG Ch. 28.1] It also calls for an “Annual Title VI Update and Accomplishment Report,” to be submitted by all agencies with approved Title VI Plans. The Annual Report is to record the agency’s Title VI Program implementation and compliance activities during the previous federal fiscal year (FFY) that ended September 30, and to set forth the goals for the forthcoming Federal Fiscal Year.

This Report is for FFY 2006/2007, and gives an overview of current policies, procedures, and practices of the Office of the Spokane County Engineer to ensure nondiscrimination in all of the agency’s programs and activities.

2.0 TITLE VI ACCOMPLISHMENTS [Ref. 23 CFR 200.9(a)(10)]

Title VI Plan: During FFY 2006/2007 two revisions of the Office's Title VI Plan were submitted to OEO, the first on January 11, 2007, and the second on May 30, 2007. The May 30, 2007, submittal included Plan revisions and written responses to the Review Comments that the Office of Equal Opportunity had sent to Spokane County concerning the Plan submitted on January 11, 2007.

Complaint Form: The Office makes available a **Discrimination Complaint Form**, a copy of which is included here as Attachment A. This form is made available for both internal and public access on the County Engineer website during FFY 2006/2007, and may be accessed at: www.spokanecounty.org/engineer/titlevi.asp. In addition, construction job site posters inform workers and other interested parties of the availability of the Discrimination Complaint process.

The Office of the Spokane County Engineer's Nondiscrimination Statement and Assurances were maintained on the County Engineer's website throughout FFY 2006/2007, and may be viewed at www.spokanecounty.org/engineer/titlevi.asp. The web posting provides broad dissemination, both internally and externally – to staff, contractors, and the public at large – of the Office's nondiscrimination policy and assurances. The Program implemented under this policy uses an interdisciplinary approach to ensure compliance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

The EEO Officer for Spokane County attended meetings conducted by WSDOT in Spokane on July 10, 2007, wherein WSDOT presented information on its DBE goal setting methodology and solicited comments on its proposed 18.77% DBE Contracting Goal. The EEO Officer provided written comments in response to the solicitation, by emails dated July 12, 2007, and July 14, 2007, to Eileen D. Oliver, OMWBE Program Supervisor.

3.0 DATA COLLECTION [Ref. DOJ's Title VI Coordinating Regulations, 28 CFR 42.401 – 42.415 (Subpart F), Sec. 42.406 Data and information collection]

CONTRACTOR PARTICIPATION: DOT Order 1000.12, *IMPLEMENTATION OF THE DEPARTMENT OF TRANSPORTATION TITLE VI PROGRAM*, provides at DOT 1000.12.II.1.a that "Each operating element shall require every applicant for Federal financial assistance in which there will be contracts awarded to include information sufficient to make a determination as to **minority contractor participation:**"

Pursuant to LAG Chapter 26.2.C.1, The Office of the Spokane County Engineer routinely gathers data on Disadvantaged Business Enterprise contractor participation. During FFY 2005/2006, \$431,465.17 of DBE participation was reported for Spokane County highway projects, all of which was paid to North Star Enterprises, Inc., a DBE.

On June 15, 2006, North Star Enterprises, Inc. “graduated” from NAICS Code 561990, Flagging Traffic Control Service, according to the Washington State Office of Minority and Women Business Enterprises. This decision did not affect their certification as a DBE. The firm is currently certified as a DBE. However, without being able to count the Traffic Control Services provided by North Star Enterprises as “DBE Participation,” the allowable DBE participation reported by Spokane County declined significantly from \$431,465.17 during FFY 2005/2006, to \$15,229.13 during FFY 2006/2007. Of these payments, \$13,971.00 went to North Star Enterprises, Inc. (under CRP 3048), and \$1,258.13 was paid to Spokane Concrete Cutting, Inc. (under CRP 2837).

(There were some other payments to North Star Enterprises that were erroneously reported as DBE participation (under CRP 2968) on a Quarterly Report of Amounts Credited as DBE Participation, because the contractor was unaware that North Star was no longer a DBE for Traffic Control Services purposes.)

23 CFR 200.(a)(4) requires that State Highway Agencies, such as WSDOT: **“Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.”**

LAG Chapter 28, in turn, requests that Local Agencies, as sub-recipients, submit data on sex; and on race, color and national origin. (Data on religion is not called for by the LAG.) [LAG 28.73; 28.74; and 28.75]

49 CFR 21, NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION – EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, applies to any program for which Federal financial assistance is authorized under the law and administered by DOT. It provides at Part 21.9(b), *Compliance reports*, that “In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.”

MINORITY CLASSES:

The population of Spokane County, based on year 2004 estimates from the Office of Financial Management, is 432,000. Of the total County population, fifty-eight percent (250,028) are **members of disadvantaged minority classes**, distributed as follows:

MINORITY CLASSES IN SPOKANE COUNTY

CLASS	%	POPULATION
White Female	81.2%	203,076
Hispanic	5.3%	13,181
Asian/Pacific Islander (API)	3.9%	9,703
Black	3.0%	7,377
Indian/Alaskan Native	2.6%	6,422
Two or more	4.1%	10,269
Total:	100%	250,028

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. The Office of Management and Budget (OMB) issued Policy Directive 15, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, in 1997, establishing five minimum categories for data on race. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following five racial groups:

Black - a person having origins in any of the black racial groups of Africa.

Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

American Indian and Alaskan Native - a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Native Hawaiian or Other Pacific Islander - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. [An Overview of Transportation and Environmental Justice, FHWA, May 2000]

CONTRACTOR EMPLOYMENT DATA:

During FFY 2005/2006 the Office of the Spokane County Engineer submitted its annual *Summary of Employment Data* report (FHWA-1392), which provides data for contractors with Spokane County that performed work on Federal-aid projects during the month ending July 31st, 2006. The summary totals were as follows:

- Total Employees: 68
- Total Males: 57
- Total Females: 11
- Total Minorities: 4 (Hispanic)

These data reveal that for FFY 2005/2006 the nationwide goal of 6.9% for female utilization, as established in the Required Contract Provisions for Federal-aid Construction Contracts, was exceeded in Spokane County, where there was over 16% female utilization.

Hispanic is the only racial minority exceeding 5% of the population in Spokane County, constituting approximately 5.3% of the population. The Hispanic utilization in Spokane County in 2006 was 5.9%. The 5.9% racial minority utilization also exceeds the overall minority utilization goal of 2.8% set for the Spokane County Standard Metropolitan Statistical Area.

For FFY 2006/2007, the most recent fiscal year, the Contractor Employment Data summary totals were as follows:

Total Employees: 28
Total Males: 24
Total Females: 4
Total Minorities: 1 (Black)

These data reveal that for FFY 2006/2007 the nationwide goal of 6.9% for female utilization, as established in the Required Contract Provisions for Federal-aid Construction Contracts, was exceeded in Spokane County, where there was 14.3% female utilization. The 3.6% racial minority utilization also exceeds the overall minority utilization goal of 2.8%, set for the Spokane County Standard Metropolitan Statistical Area.

COMPLAINTS:

Complaints of Discrimination received in 2005/2006 FFY: 0
Complaints of Discrimination processed in 2005/2006 FFY: 0

Complaints of Discrimination received in 2006/2007 FFY: 0
Complaints of Discrimination processed in 2006/2007 FFY: 0

RELOCATEES, IMPACTED CITIZENS AND AFFECTED COMMUNITIES:

Please see the data in the section below on Environmental Justice.

NATIONAL HIGHWAY INSTITUTE (NHI) TRAINING, BY SEX AND RACIAL CLASSES: [Ref. 23 CFR 260]

There was no participation by Office of the County Engineer employees in FHWA fellowship and scholarship programs administered by the NHI during FFY 2006/2007.

4.0 PUBLIC INVOLVEMENT

[Ref.: DOJ Regulation 28 CFR 42.405, Public Dissemination of Title VI Information]

The Office of the County Engineer actively encourages public involvement from all segments of the community in its transportation planning in order to integrate ideas from all classes of the public into transportation decisions, and seeks to gather data on those who participate.

Notifications of meetings are widely circulated to all income levels and to all affected races, sexes and nationalities. A website for the County's Bigelow Gulch

projects is available to the public at:
<http://www.spokanecounty.org/engineer/bigelowgulchforkerconnector.asp>.

5.0 ORGANIZATION, STAFFING, STRUCTURE

The County Engineer is responsible for administration of the County's public highways, and coordinates compliance with Title VI and related Federal, State, and County laws and regulations governing the administration of grants for the County's highway projects. [RCW 36.80; RCW 36.75.020 and 36.75.070]

The Title VI policies and procedures developed by the County Engineer for implementation of the Office's Title VI Program are intended to provide a systematic, interdisciplinary approach to preventing discrimination that relies on existing staff resources. In conformance with the policies and procedures, staff throughout the various organizational elements of the Office participate in ensuring compliance with Title VI.

An organization chart is provided at Attachment C.

6.0 Title VI Self Monitoring and Review

As a part of its mandate to collect and analyze data, and to take affirmative action to ensure nondiscrimination in the use of federal-aid highway funds, the Spokane County Office of the County Engineer has undertaken a study of its contracting processes. Included in the study are reviews of the Office's administrative records and data gathered on contractors in order to obtain empirical evidence of the Office's performance in achieving compliance with Title VI.

During FFY 2006/2007, the Office reviewed data gathered on contractors for anecdotal and empirical evidences of discrimination. Anecdotal evidence of discrimination uncovered by WSDOT was reported as summary data only, and the source data for those summary findings have been requested under Public Records Act requests.

7.0 ENVIRONMENTAL JUSTICE AND LIMITED ENGLISH PROFICIENCY [LAG 28.6]

The Bigelow Gulch road construction project constitutes the major activity scheduled during FFY 2006/2007, under the six-year plan for the Office of the County Engineer. Following is the Environmental Assessment that was conducted for this project.

The following information includes a summary of environmental justice as presented in the January 2006 EA (Jones & Stokes 2006) and clarification of impacts and mitigation measures for the proposed Urban Connector Alignment. One comment on the January 2006 EA was received regarding Environmental Justice. The purpose of the environmental justice analysis is to report

whether high and adverse human health or environmental effects from the proposed action are likely to fall disproportionately on minority or low-income populations.

4.8. Environmental Justice

4.8.1. Introduction

The following information includes a summary of environmental justice as presented in the January 2006 EA (Jones & Stokes 2006) and clarification of impacts and mitigation measures for the proposed Urban Connector Alignment. One comment on the January 2006 EA was received regarding Environmental Justice. The purpose of the environmental justice analysis is to report whether high and adverse human health or environmental effects from the proposed action are likely to fall disproportionately on minority or low-income populations.

4.8.2. What is the environmental setting?

Demographic information was collected from a variety of sources. Data from the 2000 U.S. Census (U.S. Census 2000) were analyzed to characterize race, ethnicity, poverty status, and English proficiency in the study area, in the surrounding comparison area, and in Spokane County. Block group level census data for minority and poverty status was used this analysis (Figure 4.8-1). The study area consists of the five block groups along the Urban Connector Alignment. The comparison area is a composite of the 19 block groups surrounding the study area and serves as a comparison point for determining potential disproportionate impacts of the project.

A more recent source of demographic data obtained from the U.S. Department of Education National Center for Education Statistics (U.S. Department of Education 2007) website was also examined to gather information on the five schools (Orchard Prairie Elementary, Spokane Christian Academy, East Valley Middle School, Trentwood Elementary School, and East Valley High School) located within the study area for the 2004–2005 school year. The disadvantage to using this information is that the data are not necessarily representative of the study area, because the population for which it is collected may reside outside of the study area. Additionally, demographic data for the Spokane Christian Academy was not included. Lastly, Spokane County has compiled parcel and ownership information along the proposed alignment, and Jones & Stokes conducted a survey of businesses and minority employment at the western end of the project.

For the purposes of this analysis, minority is defined as a person who is African-American, Hispanic, Asian-American, American Indian, or Alaskan Native. The term “low-income” is used for a person whose household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines for that size of household. HHS poverty guidelines are a simplified version of the U.S. Census Bureau’s poverty thresholds. Neither the Census Bureau

nor HHS prepares tabulations of the number of people below HHS poverty guidelines. The best approximation for the number of people below HHS poverty guidelines in a particular area is the number of persons below the U.S. Census Bureau poverty thresholds in that area. The 1999 U.S. Census poverty threshold (weighted average) for one person was \$8,501. In comparison, the threshold was \$10,869 for a two-person family unit, and \$13,290 for a three-person family unit.

What are the demographics of the study area?

Minority Populations

Table 4.8-1 provides detailed 2000 U.S. census block group-level data on the percentage of minorities found within the study area, as well as the percentage of minorities living in the comparison area and Spokane County as points of reference (Figure 4.8-2). Four of the five census block groups had a higher percentage of one or more minority groups (American Indian, Black, Asian, and/or Hispanic) than found within the comparison area.

Table 4.8-1. Percentage of Minority Populations within the Project Area

Census Tract	Block Group	Total Population	Black or African-American	American Indian and Alaska Native	Asian	Pacific Islander	Hispanic or Latino
101.00	4	1,850	0.59%	2.05%	2.43%	0.05%	1.84%
102.02	3	2,140	0.23%	1.26%	0.75%	0.05%	1.65%
112.02	4	791	0.00%	1.90%	0.76%	0.51%	5.06%
113.00	3	2,473	0.53%	1.70%	2.02%	0.20%	2.10%
114.00	2	1,455	0.82%	1.10%	2.20%	0.07%	3.44%
Study Area Totals		8,709	0.47%	1.58%	1.71%	0.14%	2.42%
<i>Comparison Area Totals</i>		<i>22,674</i>	<i>0.93%</i>	<i>2.17%</i>	<i>1.94%</i>	<i>0.26%</i>	<i>1.81%</i>
<i>Spokane County</i>		<i>417,939</i>	<i>2.24%</i>	<i>2.60%</i>	<i>2.63%</i>	<i>0.35%</i>	<i>2.77%</i>

Source: U.S. Census 2000 Summary File 1 (SF 1) 100-Percent Data

Note: Alone or in combination with other race—These tabulations include not only persons who marked only one race (the “race alone” category) but also those who marked that race and at least one other race. For example, a person who indicated that she was of Filipino and African-American background would be included in the African-American alone or in combination count, as well as in the Asian alone or in combination count. The alone or in combination totals are tallies of responses, rather than respondents. Therefore, the sum of the race alone or in combination will add to more than the total population.

Text in **Bold** indicates census tracts blocks that have a higher percentage of minorities than found with the comparison area.

In summary:

- The U.S. Census identifies approximately 2.24% of the population within Spokane County and 0.93% of the population within the comparison area as Black or African American. None of the block groups within the study area exhibited a higher concentration of African American population.
- The U.S. Census identifies approximately 2.44% of the population within Spokane County and 2.17% of the population within the comparison area as American Indian or Alaskan

Native. None of the block groups within the study area exhibited a higher concentration of American Indian or Alaskan Native population.

- The U.S. Census identifies approximately 2.63% of the population within Spokane County and 1.94% of the population within the comparison area as Asian. Within the project area, three block groups reported higher concentrations of Asian population than found within the comparison area (but all three were lower than the countywide rate): Census Tract 101, Block Group 4 with 2.43%; Census Tract 113, Block Group 3 with 2.02%; and Census Tract 114, Block Group 2 with 2.20%.
- The U.S. Census identifies 0.35% of the population within Spokane County and 0.26% of the population within the comparison area as Pacific Islander or Hawaiian Native. Only Census Tract 112.02, Block Group 4 reported a higher concentration than what is found within the comparison area, with 0.51% of its population identified as Pacific Islander or Hawaiian Native.
- The U.S. Census identifies 2.77% of the population within Spokane County and 1.81% of the population within the comparison area as Hispanic origin. Four block groups in the project area had a higher percentage than the comparison area: Census Tract 101, Block Group 4 at 2.43%, Census Tract 112.02, Block Group 4 at 5.06%; Census Tract 113, Block Group 3 at 2.10%; and Census Tract 114, Block Group 2 at 3.44%.

Limited English Proficiency

Information on race/ethnicity is useful in identifying populations with limited ability to understand English and the potential need for translation services. The U.S. Department of Justice recommends that agencies consider providing language translation services if an ethnic group with a primary language other than English comprises 5% or more of an area. For example if 5% or more of an areas' population is of Hispanic origin, there is a strong possibility that individuals may be limited in their understanding of English, thereby limiting their ability to participate in the project decision-making process. Within the study area, none of the racial/ethnic groups exceeds more than 5% of the population; however, it is noted that one block group has slightly over 5% of Hispanic or Latino populations (Census Tract 112.02, Block Group 4 with 5.06%).

To further confirm the presence of Asian language speaking or Spanish-speaking populations with limited understanding of English, the 2000 Census data was analyzed to identify households that had been classified as linguistically isolated, which means that all members of a household 14 years old and over have at least some difficulty with English. Table 4-8.2 indicates that there are 176 Spanish-speaking households in the study area, though none of the Spanish-speaking households are linguistically isolated. Likewise, there are a total of 33 Asian or Pacific Island language-speaking households in the study area of which three are linguistically isolated.

Table 4.8-2. Household Language and Linguistic Isolation

Census Tract	Block Group	Total Households	Spanish speaking households	Percentage of linguistically isolated Spanish Speaking Households	Asian & Pacific Island language speaking households	Percentage of linguistically isolated Asian & Pacific Island language speaking households)
101.00	4	647	44	0.00%	7	0.00%
102.02	3	761	63	0.00%	0	0.00%
112.02	4	256	11	0.00%	8	25.00%
113.00	3	1,029	26	0.00%	18	5.56%
114.00	2	476	32	0.00%	0	0.00%
Study Area Totals		3,169	176	0.00%	33	9.09%
Comparison Area Totals		8,640	252	5.56%	137	18.25%
Spokane County		163,826	5,514	6.89%	2,767	20.78%

Source: US Census 2000 Summary File 3 (SF 3) - Sample Data, Table P20

Note: A linguistically isolated household is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English.

Low-income Populations

Year 2000 U.S. Census Bureau data indicates that 12.3% of the population in Spokane County and 12.9% of the population within the comparison area is living below poverty level (Table 4.8-3). Of the five census block groups located adjacent to the project, only Census Tract 112.02, Block Group 4 located at the western end of the proposed alignment had a higher percentage of low-income population (14.6%) than within the comparison area (Figure 4.8-3). The four other block groups had low-income populations ranging from 2% to 4%.

Table 4.8-3. Low-Income Populations

Census Tract	Block Group	Median Household Income (1999)	Population (for whom poverty status is determined)	Population below poverty level
101.00	4	\$60,739	1,843	43 (2.3%)
102.02	3	\$60,046	2,032	44 (2.2%)
112.02	4	\$46,429	769	112 (14.6%)
113.00	3	\$67,674	2,495	73 (2.9%)
114.00	2	\$57,262	1,428	55 (3.9%)
Study Area Totals		\$58,430	8,567	327 (3.8%)
Comparison Area Totals		\$39,530	22,819	2,932 (12.9%)

Census Tract	Block Group	Median Household Income (1999)	Population (for whom poverty status is determined)	Population below poverty level
Spokane County		\$37,308	404,764	49,859 (12.3%)

Source: US Census 2000 Summary File 3 (SF 3) - Sample Data, Table P53, P87

Spokane County School District Demographics

School district demographic data (from school year 2004–2005) was reviewed to confirm the continued presence of minority and low-income populations in the study area since the 2000 census. Table 4.8-4 shows school year 2004–2005 information on the student body ethnicity and racial composition for the four public schools located in the project study area.

Table 4.8-4. Demographics of Public Schools in the Study Area, 2004-2005

School	Students	% African American	% American Indian and Alaska Native	% Asian	% Hispanic or Latino	% Receiving Reduced or Free Lunch
Orchard Prairie Elementary	63	0.00%	0.00%	0.00%	0.00%	22.22%
Spokane Christian Academy	81	N/A	N/A	N/A	N/A	N/A
Trentwood Elementary School	294	2.38%	3.06%	4.42%	2.72%	67.35%
East Valley Middle School	558	2.87%	2.69%	2.69%	1.97%	54.30%
East Valley High School	1,405	1.35%	2.56%	3.06%	2.14%	30.75%

Source: U.S. Department of Education (2007) National Center for Education Statistics, Common Core of Data, public school data 2004-2005 school year (<http://nces.ed.gov/>)

None of the schools exhibit particular diverse school populations, as the racial/ethnic groups are little over 3% or less for each school, and are similar to the 2000 Census percentages for the study area and comparison area. The only noticeable difference is that the percentage of African-American students is slightly higher for East Valley Middle School and Trentwood Elementary School. The racial/ethnic ratio of students is more reflective of the County percentage than the study area.

Information on the percentage of children receiving free or reduced priced lunches is also provided. Orchard Prairie Elementary, Trentwood Elementary School, and East Valley Middle School are classified as Title I schools.

Title I (“Title One”) of the Elementary and Secondary Education Act of 1965 is a set of programs set up by the United States Department of Education to distribute funding to schools and school

districts with a high percentage of students from low-income families. To qualify as a Title I school, a school typically has around 40% or more of its students that come from families that qualify under the United States Census's definitions as low income.

4.8.3. What regulations apply to environmental justice?

As described in the January 2006 EA, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, requires all federal agencies to identify and address disproportionately high and adverse human health and environmental impacts on minority and low-income populations potentially affected by their programs, policies, and activities. U.S. Department of Transportation (DOT) Order 56102.2 presents DOT's policy to promote the principles of environmental justice through the incorporation of those principles in all DOT programs, policies, and activities.

Incorporating environmental justice principles throughout the transportation planning and decision-making process implements NEPA principles set forth in Title VI of the Civil Rights Act; the Uniform Relocation Assistance and Real Property Acquisition Policies Act as amended; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; and other DOT statutes, regulations, and guidance that affect social, economic, environmental, public health, and public involvement. The Washington State Department of Transportation's (WSDOT's) *Environmental Procedures Manual*, Chapter 458, *Social and Economic*, provides a summary of environmental justice requirements for WSDOT projects and was used as guidance for this analysis.

4.8.4. How was environmental justice evaluated?

The environmental justice analysis was conducted in accordance with Federal Highway Administration and WSDOT guidance materials. The project area was defined and the demographic analysis was initiated to identify environmental justice populations. Data from the Census were used at the tract and block-group level (U.S. Census 2000). Minorities and low-income populations were identified to determine the area of potential impact, and the demographic information was examined to determine how potential impacts and benefits to the total population would affect the environmental justice populations. Finally, a determination was made whether or not the project would have disproportionately high and adverse impacts on the environmental justice populations in the project area.

A disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

- is predominately borne by a minority and/or low-income population; or
- will be suffered by the minority or low-income community at a level that is more severe or greater in magnitude than the adverse impact that could be suffered by the non-minority or non-low-income community.

4.8.5. What would be the impacts of the Urban Connector Alignment?

Proposed Action

How would construction affect minority and low-income populations?

Minority and/or low-income populations are expected to experience temporary construction impacts, including noise, dust, odors, vehicle and equipment emissions, as well as minor visual effects similar to those experienced by the general population within the project area.

Disruption of traffic would be one of the most evident impacts of the roadway improvements along Bigelow Gulch Road and Forker Road. Construction activities would result in reduced capacity on the roadways, causing traffic delays and frequent lane shifts and access changes. To avoid delays and inconveniences, drivers may seek alternate routes of travel, may shift their times of travel when possible, and may seek alternate travel modes. Drivers may experience increases in travel time due to detours and construction delays.

Temporary access changes would be necessary during construction. Changes may disrupt travel patterns to and from businesses and community facilities. These impacts would be of limited duration, only occurring during the reconstruction of a particular section of the proposed action. While points of access may have to be modified, access to all properties would be maintained throughout project construction.

Minority and/or low-income populations would not bear these effects predominately, nor would they bear these effects more severely or at a greater magnitude than other residents in the project area and the general public. Minority and low-income populations, along with the general population, would also experience benefits due primarily to improved mobility, safety, and access.

How would operation of the project affect minority and low-income populations?

Transportation projects have the potential to improve mobility, and enhance access to jobs, services, schools, social opportunities, and recreational facilities. Conversely, if adverse effects are not avoided and/or minimized, transportation projects can degrade air quality, increase noise, negatively impact neighborhood cohesion, and reduce the overall quality of life.

The Project would not cause any significant regional air quality impacts and would not cause or contribute to any localized air quality violations. The air quality analysis and conclusions are presented in Section 4.10, *Air Quality*.

Impacts that could result from transportation projects such as the Urban Connector Alignment include altered traffic patterns and increased noise. The potential for these types of impacts are described in detail in Section 4.9 *Transportation* and Section 4.11 *Noise*. Although traffic patterns would be changed in some areas by the construction of the proposed action, overall accessibility to existing businesses and homes would be maintained or improved.

In general, minority and low-income populations along the corridor reflect the overall pattern of minority population in the comparison area and in Spokane County. There are some census blocks that have a higher concentration of minorities than the overall study area. The percentage of Hispanic or Latino populations living in Census Tract 0112.02 Blocks 4011 (14%) and 4015 (27%) and Census Tract 0113.00 Block 3008 (17%) is relatively high compared to the 2% of Hispanics or Latino population found in the comparison area. Four of the nine residential displacements would occur within Census Tract 0112.02, Block 4011, moving east along the proposed alignment one residential displacement would be in Tract 0112.02, Block 4012, one residential displacement would occur in Tract 0113.00, Block 3009, one residential displacement would occur in Tract 0114.00, Block 2001, and two residential displacements would occur in Tract 0101.00, Block 4000. Some of these residential displacements would occur in a block that has a higher percentage of one minority population than found in the rest of the study area; however, review of parcel and ownership information for right-of-way acquisitions along the proposed route indicate that minority populations would not be disproportionately impacted as a result of property acquisitions.

Partial acquisitions of properties abutting the existing right-of-way would be necessary to accommodate the roadway improvements. Partial acquisitions would occur along the entire length of the Project corridor, and would not result in a disproportionately high or adverse property take for minority or low-income populations.

All affected property owners will receive “just compensation” pursuant to Executive Order 12630 – Governmental Actions and Interference with Constitutionally Protected Property Rights, Washington State Constitution Article 1, Section 16 – Eminent Domain and the Uniform Relocation Assistance and Real Property Acquisition Policies Act as amended. Results of the business survey at the western end of the project indicated that the project would not disproportionately impact minority businesses or employment.

For the design year 2025, noise levels would exceed Noise Abatement Criteria (NAC) for No Action at 19 receivers (residences) and at 20 receivers for the proposed action. No noise abatement measures satisfy the WSDOT feasibility and reasonableness criteria. Minority or low-income populations would not bear these effects predominately, nor would they bear these effects more severely or at a greater magnitude than other residents in the study area and the general public.

Potential impacts to community cohesion are discussed in Section 4.16 *Social and Economic Elements*. The proposed action would not displace or restrict access to any community facilities, including those that may serve low-income or minority populations. Although the proposed action would widen the existing roadway or create new roadway where none currently exists, the environmental justice analysis did not find that impacts to community cohesion would affect minority or low-income persons in the area to a greater degree than it would affect non-minority or non-low-income persons.

The proposed action would not result in disproportionately higher and adverse effect on minority and low-income populations identified within the project area in comparison to the impact on

non-minority populations and/or low-income populations. Like other residents and businesses, environmental justice populations would benefit from improved roadway safety along Bigelow Gulch Road and Forker Road and improve vehicular mobility and linkages between areas north of Spokane (City and County) to the industrial/retail areas east of Spokane and I-90 as well as improved air quality when the project is completed.

Environmental Justice Determination

To make a finding that a proposed action is inconsistent with the Environmental Justice policy (Executive Order 12898), two situations must occur at the same time: 1) there must be an affected minority or low-income population; and 2) that population must predominately bear or suffer a disproportionately high and adverse environmental or human health impact. The analysis concludes that any adverse impacts expected as a result of the construction and operation of the Urban Connector Alignment, would not have a high and disproportionate adverse impact in the context of Executive Order 12898, DOT Order 5610.2 or FHWA Order 6640.23. Therefore this project complies with Executive Order 12898 and Title VI of the Civil Rights Act of 1964.

Environmental Commitments and Mitigation Measures

Because the proposed action would not result in any disproportionate, high and adverse impacts to minority or low-income populations, no specific activities to avoid, minimize, or mitigate adverse effects related to Presidential Executive Order 12898 on Environmental Justice, are necessary. Therefore this project has met the requirements of Executive Order 12898 and its supporting law Title VI of the Civil Rights Act of 1964. The information in this section and the information listed in Section 4.8, Bigelow Gulch Road EA dated January 2006, were considered in reaching this conclusion.

No Action

How would construction affect minority and low-income populations?

Under No Action, there would be no construction impacts.

How would operation affect minority and low-income populations?

No Action would not require any new ROW, would not displace any homes or businesses, and would have no disproportionate impacts on minority or low-income populations. Under the No Action Alternative, traffic volumes would continue to increase along with the associated noise levels. Roadway design elements to improve roadway and access safety would not be realized. Accidents rates would likely increase with the associated noise levels. However, future conditions without the project would not necessarily affect minority or low-income persons in the area to a greater degree than it would affect non-minority or non-low-income persons.

8.0 GOALS FOR THE NEXT YEAR [Ref. 23 CFR 200.9(a)(10)]

PROCEDURES DEVELOPMENT: In 2008, the Office of the Spokane County Engineer plans to continue refining and expanding its policies and procedures for a systematic, interdisciplinary approach to preventing discrimination, in accordance with the requirements of Title VI and related civil rights laws and regulations.

RESEARCH: The County Engineer has initiated a study of the Office's contracting processes as they pertain to the objectives of Title VI. Spokane County presents an excellent microcosm for performing research on the successes and failings of Title VI implementation programs and activities. Such a study conducted at the local agency level is likely to have more validity and applicability than State and Federally conducted studies because of the proximity to the source data and the opportunities for verification that are most difficult to obtain from studies conducted by State and Federal agencies. Studies of the impact of civil rights activities at the local agency level are rare. In our review of existing public highways contracting data, we have not found any valid anecdotal research or Local Agency studies in Washington pertaining to government agency performance under Title VI and related programs.

The study under progress, which we now anticipate will be completed in 2008, is to include data on discrimination that has been requested, and not yet received, under the Washington State Public Records Act.

LIMITED ENGLISH PROFICIENCY: In FFY 2007/2008 the Office will continue to assure that people who are not proficient in English can effectively participate in, and have meaningful access to the programs and activities administered by the County Engineer.

ATTACHMENT A

DISCRIMINATION COMPLAINT FORM
CIVIL RIGHTS UNIT
OFFICE OF THE SPOKANE COUNTY ENGINEER

The purpose of this form is to assist you in filing a complaint with the Spokane County Engineer. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided, whether or not the form is used.

1.* State your name and address.

Name: _____

Address: _____

_____ Zip _____

Telephone No:

Home: (____) _____ Work: (____) _____

2.* Person(s) discriminated against, if different from above:

Name: _____

Address: _____

_____ Zip _____

Telephone No:

Home: (____) _____ Work: (____) _____

Please explain your relationship to this person(s).

3.* Agency and department or program that discriminated:

Name: _____

Any individual if known: _____

Address: _____

_____ Zip _____

Telephone No: (____) _____

Form No. : 02-2006

4A.* Non-employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

____ Race/Color: _____

____ National origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

____ Disability: _____

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "Sex: Female").

____ Race/Color: _____

____ National origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

____ Disability: _____

5. What is the most convenient time and place for us to contact you about this complaint?

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____

Telephone No: (____) _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: _____

Address: _____

_____ Zip _____

Telephone No: (____) _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: _____

Most recent date of discrimination: _____

9. Complaints of discrimination must generally be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint.

15. Have you (or the person discriminated against) filed the same or any other complaints?

Yes ____ No ____

If so, do you remember the Complaint Number?

Against what agency and department or program was it filed?

Address: _____

_____ Zip _____

Telephone No: (____) _____

Date of Filing: _____ DOJ Agency: _____

Briefly, what was the complaint about?

What was the result?

16. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?

_____ U.S. Equal Employment Opportunity Commission

_____ Federal or State Court

_____ Your State or local Human Relations/Rights Commission

_____ Grievance or complaint office

17. If you have already filed a charge or complaint with an agency indicated in #16, above, please provide the following information (attach additional pages if necessary):

Agency: _____

Date filed: _____

Case or Docket Number: _____

Date of Trial/Hearing: _____

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

18. While it is not necessary for you to know about aid that the agency or institution you are filing against receives from the Federal government, if you know of any U.S. Department of Transportation funds or assistance received by the program or department in which the alleged discrimination occurred, please provide that information below.

19.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

(Signature)

(Date)

Please feel free to add additional sheets to explain the present situation to us.

Please make a copy for your records, and then mail the completed, signed Discrimination Complaint Form to:

Spokane County Engineer
Civil Rights Unit
1026 West Broadway Avenue
Spokane, Washington 99260-0170

Phone: (509) 477-3600

20. How did you learn that you could file this complaint?

21. If your complaint has already been assigned a complaint number, please list it here: _____

ATTACHMENT B

Form – Title VI Compliance Statement for use in public meetings/hearings

Voluntary Title VI Public Involvement

As an obligation for receiving federal highway funds, the Washington State Department of Transportation requires the Spokane County Engineer to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. Accordingly, Spokane County collects information on race, color, national origin, and sex of the attendees of this public meeting to ensure the inclusion of all segments of the population affected by a proposed project. (Ref. P.28-66 of *Local Agency Guidelines* manual)

Spokane County wishes to clarify that this information gathering process is **completely voluntary** and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in the Office of the Spokane County Engineer. For further information regarding this process, please contact the Civil Rights Unit, Office of Spokane County Engineer at:

Spokane County Engineer
Civil Rights Unit
1026 W. Broadway Avenue
Spokane, WA 99260-0170

Phone: 509-477-3600

Project Name:	Date:
Meeting location:	

Name (please print):	Sex:
	_____ Male
	_____ Female

General ethnic identification categories (check one):

_____ Caucasian _____ Hispanic American _____ American Indian/
Alaskan Native

_____ African American _____ Asian/Pacific Islander Other _____

After you complete this form, please fold it and place it on the registration table.