

**TITLE VI ANNUAL ACCOMPLISHMENT AND UPDATE REPORT  
FOR  
OFFICE OF THE SPOKANE COUNTY ENGINEER  
2011**

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1.0 OVERVIEW

Chapter 28, *Title VI Program*, of the Local Agency Guidelines manual 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 for the one year period following the last Annual Update.

This Report is for 2011, and gives an overview of changes in, 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: The latest revised Title VI plan for Spokane County was submitted on August 22 for review by WSDOT's External Civil Rights Branch, and was accepted by letter dated October 3, 2008

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, and may be accessed at: <http://www.spokanecounty.org/engineer/content.aspx?c=1480>.

In addition, construction job site posters inform workers and other interested parties of the availability of the Discrimination Complaint process.

The Annual Title VI Update Accomplishment Report calls for identification of changes that have occurred since the last update was submitted.

I. Policy Statement:

There has been no change in the Title VI policy of the Spokane County Engineers since plan approval.

II. Organization, Staffing, and 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]

III. Title VI Self Monitoring and Review

- a. Spokane County is in compliance with Title VI for all changes in positions, including but not limited to hiring, promotions, and lay-offs.
- b. Spokane County requires all Contractors and Subcontractors to be in compliance with Title VI, by including Title VI language in all contracts, as well as collecting and evaluating Monthly Employment Utilization reports for all projects.
- c. 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 reviews records and data gathered on contractors in order to obtain empirical evidence of the Office's performance in achieving compliance with Title VI.

IV. Complaints

There have been no Title VI complaints filed with this department for the year 2011.

V. Location

- i. The Primary emphasis for Spokane County has been the maintenance of existing Right-of-Way with occasional improvements to existing

Right-of-Way, as necessitated to maintain or improve the safety of the traveling public.

## VI. Accomplishment Report for Each Program Area

### a. Planning

No non-agency forces were used for Planning.

### b. Research

No Research Programs were conducted during the 2011 year.

### c. Environmental Unit

i. There was no change in the Environmental Unit staffing for 2011.

ii. The Environmental Unit of the Spokane County Engineers works to ensure the promotion of environmental integrity in the design, construction, and maintenance of transportation systems that serve the needs of Spokane County. This section responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that the projects undertaken by Spokane County meet these provisions, as required by Local, Washington State, and the Federal Government.

iii. During 2011, The Spokane County Engineer's Environmental Programs and Special Projects Department conducted **2 NEPA** and **7 SEPA** environmental reviews. Spokane County and WSDOT completed the technical studies pertaining to socio-economic impacts and Title VI Environmental Justice considerations for both NEPA projects. The results from those studies were incorporated into the completed Environmental Classification Study (ESC). The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities. Both projects were determined to be Class II – Categorically excluded under 23 CFR 771.117 d.1(d).(1). See the table below for the list of names for each project that was subject to an environmental review during 2011. A copy of the SEPA exemption determination and determination of non-significance is available for viewing at the office of the Spokane County Engineer 1026 W. Broadway Spokane WA 99037.

Project Name	ECS Complete	SEPA Complete	SEPA Not Complete	SEPA Exempt
Country Homes	N/A	2/2/11		
Little Spokane Bridge #3602 Replacement	12/27/11	12/6/11		
Monroe Rd Guardrail	3/1/11			3/8/11
Stormwater Decant Facility	N/A	11/16/11		
Stormwater Water Quality Retrofit Project	N/A	12/6/11		
Thomas Mallen Rd TIF	N/A	10/17/11		
Hallett Road Widening		12/20/11		**

\*\*Road work was included in the SEPA completed by Caterpillar for their building project

d. Design

- i. There were two Consultant Contracts for Road Design and three Consultant Contracts awarded by the Bridge Design Department in 2011. Award of the consultant contracts is based primarily on the firm's ability to perform the necessary tasks, the selection process used is as outlined in the LAG Manual, and based on a RFQ submitted by each firm. The Contracts for 2011 were:
  1. Plateau Archaeological Investigations-Provided Archeological Consulting for Appleway Bridge - \$7,955.21, Little Spokane River Bridge - \$3,693.73 and Valley Chapel Bridge - \$415.61.
  2. J-U-B: Provide Biological Assessments for Little Spokane River Bridge - \$7,712.68, HMP on Centennial Trail Realignment - \$7,018.13, Voluntary Cleanup Plan Implementation for Geiger Spur \$14,340.72, and Wetland Delineation for Wandermere Pathway - \$4,223.55.
  3. Klienfelder: Geotechnical Engineering Services for Appleway Bridge. - \$1,568.26.
  4. Golder Associates Provided Geotechnical Evaluations for the Bigelow Forker Intersection - \$9,319.11, Farwell Road - \$8,544.98, and Country Homes - \$17,611.92.
- ii. The selection process is carried out as per chapter 31 of the LAG Manual, which makes Title VI part of the selection process, however the primary selection criteria is ability/qualifications to do the required work.
- iii. No public hearings were held in 2011. However there were three informal Open House meetings, one for the Monroe Street Safety Project, one for Little Spokane River Bridge Project, and one for the Wall/Waikiki/Mill Road project was held during 2011.

- iv. The only changes in the Design Staff during 2011 were due to downsizing. One Engineer II position held by a White Caucasian Male was eliminated; one Engineering Supervising Tech position held by a White Caucasian Female was eliminated, one Engineering Tech III position held by a White Caucasian Male was eliminated when transferred out of the department; one Engineers Tech II position held by a White Caucasian Female was eliminated when transferred out of the department; and two Engineer Tech II positions held by White Caucasian Males were eliminated.
- v. There were no Title VI complaints filed in the Design Program area.

e. Right of Way

Staff of Right-of-Way department

As of April 30 – December 31, 2011

Engineering Office Administrator	Male	White Caucasian
Administrative Specialist	Female	White Caucasian

From January 1 – April 29, 2011

Supervisor	Male	White Caucasian
Agent/Appraiser	Male	White Caucasian
Agent	Male	White Caucasian
Agent	Male	White Caucasian
Agent	Male	American Indian
Agent/Relocation Officer	Female	White Caucasian
Administrative Specialist	Female	White Caucasian

i. Real Estate Services (Right of Way)

The property acquisition process follows the WSDOT Right of Way Manual and all applicable laws and regulations, including Title VI and Section 504. The acquisition process includes appraisal of property, negotiation of terms and conditions for acquisition, and relocation assistance, as well as property management.

ii. Civil Rights Complaints in the following Real Estate Services (Right of Way) Areas:

1. Appraisals—None during this report period
2. Negotiations—None during this report period
3. Relocation Assistance and Payments—None during this report period
4. Property Management—None during this report period

iii. No Outside Appraisers were used during this report period.

iv. There were no negotiations during this report period

- v. No concerns were raised by minorities or women regarding their options in the Negotiation Phase.
- vi. There were no relocations during this report period.
- vii. There were no concerns raised by minorities or women on replacement housing, referral housing, or advisory services.
- viii. There were no Relocations necessary during this reporting period, therefore there was no opportunity for Minorities or Women to obtain contracts for this service.
- ix. Minor right of way issues handled by internal staff and no consultants were employed.

f. Construction and Maintenance

- i. There were no Civil right complaints filed for construction or maintenance projects during 2011.
- ii. All contracts for new construction either contain recommended or required levels of minority, female and DBE participation. All maintenance on existing roads is carried out by county forces.
- iii. Contractors DBE usage and Employee utilization are reported to and monitored by the Title VI coordinator.

g. There has been no NHI training for 2011.

h. Administration

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 of the Spokane County Engineering Department, staff throughout the various organizational elements of the department work together to ensure compliance with Title VI.

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 2011, \$330,907.13 of DBE participation was reported for Spokane County highway projects. There was a total of \$2,946,135.39 paid out on three federally funded projects, giving us a DBE utilization of 11.23% for 2011. During 2010 \$49,295.10 was reported as paid to DBE certified firms for the 7 federally funded jobs under construction in FFY 2010 with a total amount paid out totaling \$5,372,143.61 giving us a total of 0.92% of the work on Federal financed jobs being done by DBE certified firms.

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 2008 estimates from the US Census Bureau, is 462,677. Of the total County population, fifty-eight percent (272,054) are **members of disadvantaged minority classes**, distributed as follows:

**MINORITY CLASSES IN SPOKANE COUNTY**

<b>CLASS</b>	<b>%</b>	<b>POPULATION</b>
White Female	46.4%	214,682
Hispanic	4.0%	18,507
Asian/Pacific Islander (API)	2.3%	10,641
Black	1.9%	8,790
Indian/Alaskan Native	1.6%	7,403
Two or more	2.6%	12,030
Total:	58.8%	272,054

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 2011, 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 31<sup>st</sup>, 2011. The summary totals were as follows:

Total Employees: 32  
Total Males: 31  
Total Females: 1  
Total Minorities: 0 (1 African American, 1 Hispanic, and 1 Pacific Islander)

The data reveals that 2011 there was 3.1% female utilization, and 0% Minority utilization for Spokane County contracts. FHWA-1392 only provides a “Snap-Shot” of the Female and Minority utilization, Monthly Employment Utilization reports submitted by contractors doing work for Spokane County are utilizing both female and minority workers.

#### 4.0 PUBLIC INVOLVEMENT

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

The Office of the Spokane 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.

The Office of the Spokane County Engineers maintains a website for the public to access information on current projects at:

<http://www.spokanecounty.org/News.aspx?dept=5>.

Bridge projects are available at:

<http://www.spokanecounty.org/engineer/content.aspx?c=2365>.

## 5.0 GOALS FOR THE NEXT YEAR

**PROCEDURES DEVELOPMENT:** In 2012, 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.

**LIMITED ENGLISH PROFICIENCY:** This 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.

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