

**CIVIL RIGHTS
TITLE VI PROGRAM
for
SPOKANE COUNTY
2018**

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1.0 Program Policy Statement, Authorities and Citations

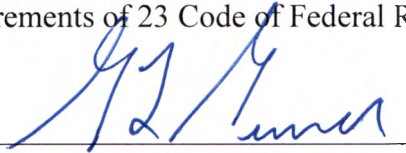
A. Policy of Nondiscrimination

Spokane County assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Spokane County sponsored program or activity for which Spokane County receives federal financial assistance from the U.S. Department of Transportation (USDOT), including the Federal Motor Carrier Safety Administration (FMCSA). Spokane County further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that Spokane County distributes federal funds to another entity, Spokane County will include Title VI language in all written agreements and will monitor for these entities for compliance.

Title VI compliance is a condition of recipient for federal funds. Assurance of compliance, therefore, falls under the proper authority of the Spokane County Board of

County Commissioners pursuant to its budgetary authority and responsibility. The Chief Executive Officer and the Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, the signed Title VI Program Assurances, the Title VI policy and other related Nondiscrimination authorities, including the requirements of 23 Code of Federal Regulation (CFR) Part 200, 49 CFR Part 21 and Part 303.



5-17-18
Date

B. Authorities

Title VI of the Civil Rights Act of 1964 (42 CFR § 2000d et seq.), codified at 6 CFR Part 21 and 44 CFR Part 7, provides 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 subjected to discrimination under any program or activity receiving Federal financial assistance.

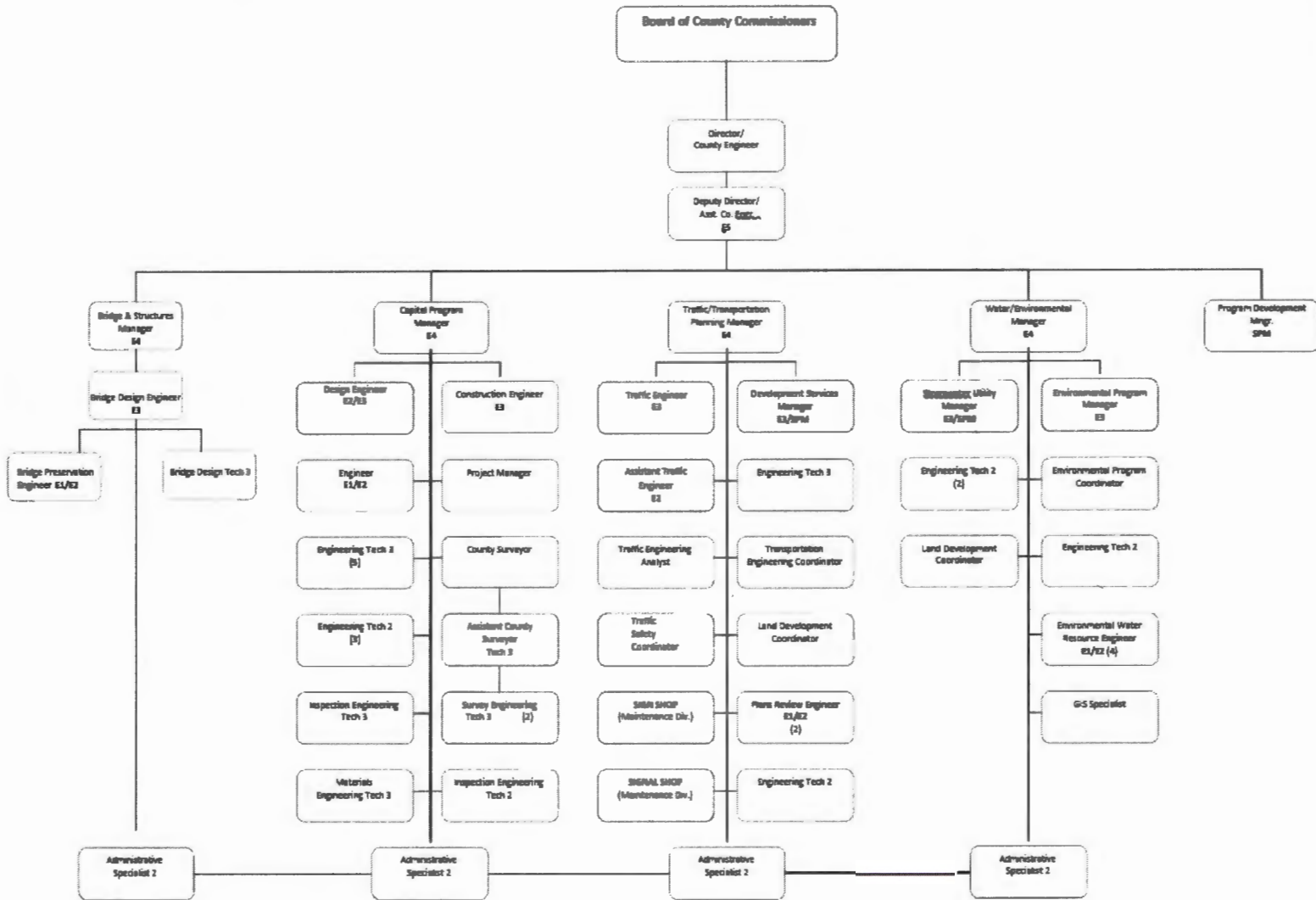
In accordance with Title VI of the Civil Rights Act of 1964 prohibition against discrimination, Spokane County is required when it receives federal assistance to take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services.

The Civil Rights Restoration Act of 1987 and other non-discrimination requirements, including the Age Discrimination in Employment Act of 1975 (ADEA) and Section 504 of the Rehabilitation Act of 1973, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs federal assisted or not (Public Law 100-259).

Federal Aid Highways of Title 23 (Highways) of the United States Code, at Section 140, unambiguously requires affirmative assurances from State highway agencies that employment on highway projects “will be provided without regard to race, color, creed, national origin, or sex;” and that each State shall include “specific equal employment opportunity responsibilities of the successful bidder” in federally assisted highway contracts.

2.0 Organization, Staffing and Structure

A. Organizational Chart –Reporting for Engineering Operations



B. Staffing and Structure for Public Works Programs

Board of County Commissioners

The Board of County Commissioners shall have the ultimate responsibility to ensure compliance of Spokane County's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21.

Spokane County Chief Executive Officer

The Chief Executive Officer shall actively support Spokane County's policy of non-discrimination and effective communication of and conformance with the policy. Spokane County's grants compliance function and Title VI coordination shall be performed under the authority of the Chief Executive Officer and the Board of County Commissioners.

Title VI Coordinator

Spokane County has assigned the duties of the Title VI Coordinator to the Spokane County Human Resource Director or his/her designee to ensure implementation of the County's Title VI Federally Funded Transportation Program. The Spokane County Human Resource Director or his/her designee has significant other duties and responsibilities in addition to Title VI. Although the Title VI Coordinator reports to the Spokane County Chief Operating Officer, this position shall have an indirect reporting relationship to the Chief Executive Officer.

Title VI Specialist

Additionally, Spokane County has designated Title VI Specialists (Specialists) in departmental special emphasis program areas. The Specialists, designated below shall work in concert with the Title VI Coordinator. These key programs or department areas are subject to receiving Federal assistance through grants or other types of Department of Transportation related funding, or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances; meet the objectives of the Title VI Plan; meet Federal and state reporting requirements, and provide adequate training opportunities for appropriate staff.

The Title VI Specialists will work with the Coordinator to ascertain and ensure Title VI compliance by contractors, subcontractors, consultants, suppliers and other subrecipients, if any, under federally funded projects or programs. The Specialists will work with the Coordinator to:

- Ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and subrecipients.
- Obtain statistical data on race, color, national origin, disability and sex. In addition for FMCSA collect data on age, income-status and LEP of participants in and beneficiaries of federally funded Spokane County Department of Transportation programs.

Each of the Specialists will maintain data relative to their respective special emphasis program areas as designed in Section C below. The Coordinator shall use the data to complete the annual Title VI reports and for other administrative needs.

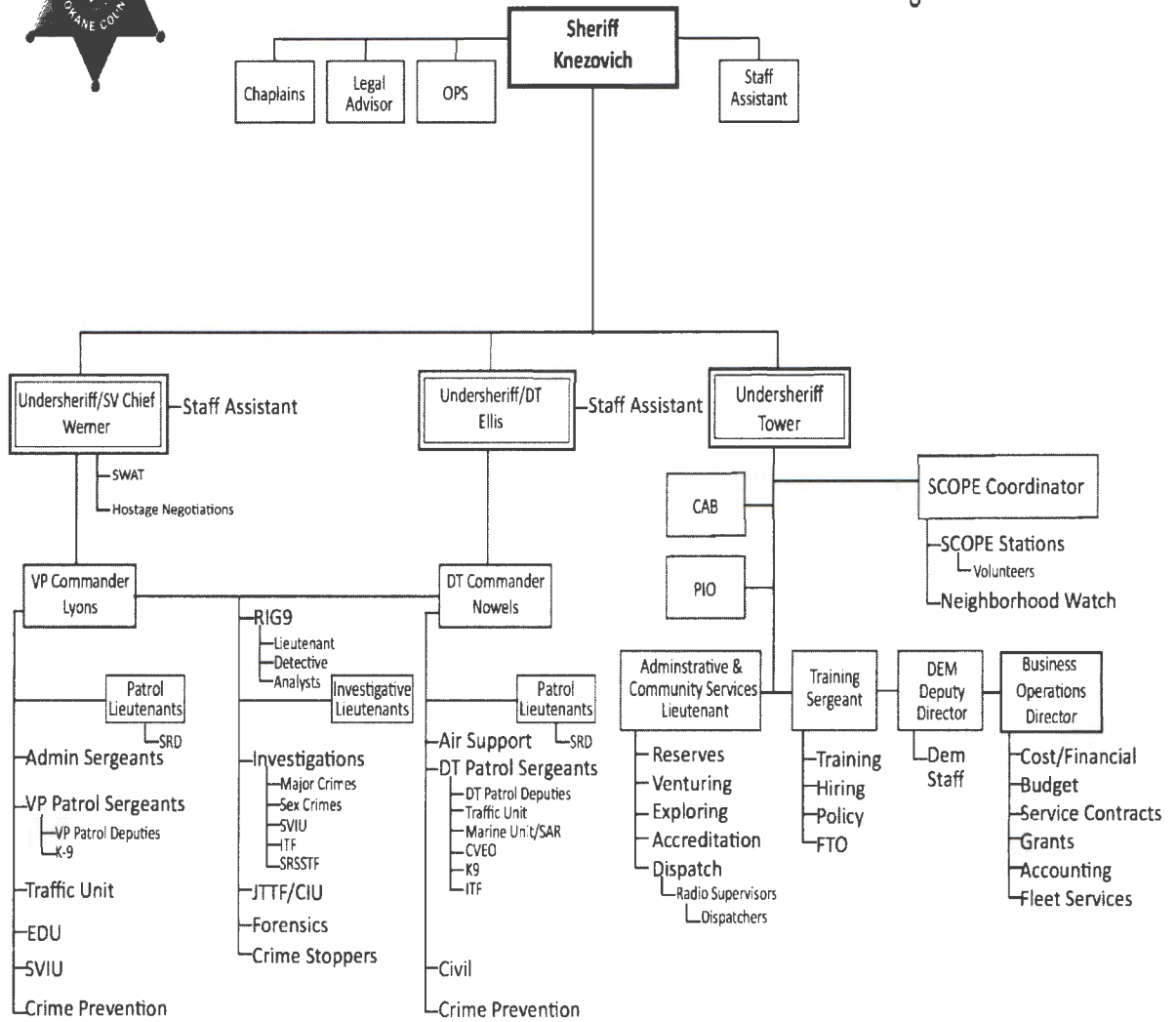
C. List Title VI Specialist and Official Job Title

Eric Jenkin – Public Works Contracts Administrator

D. Organizational Chart – Reporting for Sheriff’s Office



Spokane County Sheriff's Office Organization Chart



E. Staffing and Structure for Sheriff's Office

Board of County Commissioners

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- Obtain statistical data on race, color, national origin, disability and sex. In addition for FMCSA collect data on age, income-status and LEP of participants in and beneficiaries of federally funded Spokane County Department of Transportation programs.

Each of the Specialists will maintain data relative to their respective special emphasis program areas as designed in Section F below. The Coordinator shall use the data to complete the annual Title VI reports and for other administrative needs.

F. List Title VI Specialist and Official Job Title

Esther Larsen – Spokane County Sheriff’s Office Grants and Contracts Coordinator

3.0 Title VI Program Plan Implementation and Program Administration

As authorized by the Chief Executive Officer and the Board of County Commissioners, the Title VI Coordinator is responsible for initiating, monitoring and ensuring Spokane County’s compliance with Title VI requirements as follows:

A. Program Administration

Administer the Title VI program and coordinate implementation of the plan; ensure compliance with the assurances, policies and program objectives; perform Title VI program reviews to assess administrative procedures, staffing and resources; provide recommendations as required to the Board of County Commissioners, Chief Executive Officer, Spokane County Sheriff and Public Works Director.

B. Complaints

Review written Title VI complaints that may be received by Spokane County following the adopted procedural guidelines. (See Section 5.0 Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection

Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of appropriate Title VI program administration (See Section 7.0 Special Emphasis Program Areas).

D. Environmental Impact Statements/Assessments

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Public Works (PW) for projects receiving Federal Highway Administration or other Federal funding assistance.

E. Training Programs

Conduct or facilitate training programs on Title VI issues and regulations for Spokane County employees and facilitate Title VI training for appropriate staff, contractors and subrecipients. A summary of training conducted will be reported in the annual update.

F. Title VI Plan Update

Review and update the Spokane County Transportation Program Title VI Plan as needed or required. Present the updated Plan to the Spokane County Chief Executive Officer for approval and submit said amended Plan to WSDOT for review and approval.

G. Annual Accomplishment Report

Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required, and submit by Federally established guidelines.

H. Public Dissemination/Notification to Beneficiaries and Participants

Work with Spokane County staff to develop and disseminate Title VI program information to Spokane County employees, subrecipients, contractors, subcontractors, consultants, beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contacts or other agreements; posting to the Spokane County official website; posting of Spokane County's Title VI Program Notice to the Public in publically accessed facilities (Assurance E); annual publication of Spokane County's Title VI Policy Statement in

newspaper(s) having a general circulation and Spokane County program informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media and where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination

Work with the Public Works Department, the Spokane County Sheriff's Office, the Board of County Commissioners and other Spokane County department to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Spokane County processes.

J. Maintain Legislative and Procedural Information

Remain informed regarding the Federal laws, rules and regulations, and/or WSDOT guidelines as they may affect the implementation, administration or require updating of Spokane County Title VI Plan, and/or Annual Accomplishment Reports. This information will be made available to other Spokane County Departments, staff or the public when appropriate, required or upon request.

4.0 Department of Transportation and Title VI Program Training

In keeping with adopted Spokane County policies regarding nondiscrimination, departmental procedures will be established or followed for Public Works and the Spokane County Sheriff's Office employees to have equal access to applicable educational and training opportunities. Departmental staff will maintain program administration documentation and data necessary for preparation of the annual Title VI reports and will routinely provide the necessary data and/or documentation to the Title VI Coordinator.

A. National Highway Institute (NHI) Education

The Title VI Specialist with the Spokane County Public Works Department will be notified when training for the National Highway Institute courses or workshops become available to Spokane County employees. The Spokane County Public Works Department and the Spokane County Sheriff's Office will each establish policies for the selection of participants interested in taking part in the National Highway Institute Training

workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex and ethnicity for use in completing the annual Title VI Accomplishment Report.

B. Title VI Program Training

The Coordinator is responsible for overall Title VI Program related training and staff development for Title VI Specialists and other Spokane County employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will periodically organize and facilitate the provision of Title VI training sessions for consultants, contractors, subcontractors and/or subrecipients. Options which may be used for training include the FMCSA Basic Title VI Program presentation as well as the WSDOT's Office of Equal Opportunity internal and External Civil Rights Branch and the Contract Compliance Office.

C. Selection of Training Instructors

The Coordinator will collaborate with the Spokane County Purchasing Department to ensure that County purchasing policies are followed in the selection of instructors for Public Works and Sheriff's Office training courses and/or workshops, as well as ensuring equal opportunity in the selection process for all training contracts. While FMCSA is not named in 49 CFR Part 26 and therefore, does not have a DBE Program, per adopted policy, Spokane County will provide accessibility to Minority/Women/ Disadvantage Business Enterprise consulting and training firms during competition for training contracts.

5.0 Complaint Procedures Regarding Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

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

The procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at Spokane County and subrecipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Spokane County Human Resources Department. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Spokane County will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint Spokane County will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In some cases, Spokane County may request Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, WSDOT will follow its adopted procedures for investigating discrimination complaints, per WSDOT's Title VI Plan.
3. If the complaint is against a subrecipient, contractor or consultant who has contracted with Spokane County, the appropriate department, agency or division will be notified of the complaint within 15 calendar days.
4. Once Spokane County determines its course of action, the complainant and/or the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator and the basis for the allegation identified including race, color, national origin, disability, age or sex and for FMCSA income-status and LEP.
5. In cases where Spokane County assumes investigation of the complaint, Spokane County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt to furnish Spokane County with his/her response to the allegations.
6. Within 60 days of receipt of the complaint the Coordinator or WSDOT investigator will prepare a written investigative report for the Spokane County Chief Executive Officer, Spokane County Public Works Director and Spokane County Sheriff. The

report shall include a narrative description of the incident, identification of persons interviewed and the findings/recommendations for disposition of the complaint.

7. The findings/recommendations shall be reviewed by the Spokane County Prosecuting Attorney's Office. The Prosecuting Attorney may discuss the report, findings/recommendations with the Coordinator and other appropriate departmental staff. The report may be modified as needed and made final for distribution to the parties.
8. Once the investigative report becomes final, briefing will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and Spokane County's investigative report will be issued to WSDOT's External Civil Rights Branch or other appropriate oversight agency, within 60 calendar days of the resolution of the complaint. In the event that a complainant files a separate complaint with FMCSA regarding an allegation that Spokane County has previously investigated, FMCSA will request a copy of the case file to review prior to making a determination as to whether to conduct a separate investigation.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal Spokane County's decision WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. An annual Log Complaints must be maintained by each agency. The Log Complaints 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
12. Only qualified, well-trained investigators should conduct these investigations.

6.0 Subrecipient Review and Remedial Action Procedures

A. Public Works Department

1. Title VI Review of Subrecipients of Federal-Aid Highway Funds

Public Works Specialist and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Public Works Department staff will review select subrecipients of federal-aid highway or other federal funds, to ensure adherence to Title VI requirements. (See Section 7.0). The Public Works Department will work cooperatively to periodically confirm operational guidelines provided to subrecipients, contractors and/or consultants, including Title VI language, provisions and related requirements, as applicable.

2. Post-Grant Reviews

The Coordinator will collaborate with Public Works Department staff to conduct periodic post-grant reviews of select subrecipients of federal highway funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. (See Section 7.0). Appropriate staff will periodically confirm that operational guidelines provided subrecipients, contractors and/or consultants include Title VI language and provisions and related requirements, where applicable.

3. Remedial Action

When irregularities occur in the administration of federal-aid highway programs at either Spokane County or subrecipient levels, corrective action will be taken to resolve identified Title VI issues. Spokane County will seek the cooperation of the subrecipient, contractor and/or consultant in correcting deficiencies found during periodic reviews. Spokane County will provide technical assistance and guidance, upon request, to support compliance by the subrecipient. When conducting Title VI Program compliance reviews, Spokane County will reduce to writing any recommended remedial action agreed upon by Spokane County and the subrecipient and provide a copy of the written remedial action within a period not to exceed 45 days.

Subrecipients 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 subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Spokane County will submit to WSDOT and FHWA copies of

the case file along with a recommendation that the subrecipient be found in noncompliance.

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

B. Spokane County Sheriff's Office

1. Title VI Review of Subrecipients of FMCSA Funds

There are no subrecipients that receive FMCSA funding under this grant. In the event that Spokane County Sheriff's Office does subaward FMCSA funds in the future, the Spokane County Sheriff's Office Specialist and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Spokane County Sheriff's Office staff will review select subrecipients of FMCSA or other federal funds, to ensure adherence to Title VI requirements. (See Section 7.0). The Spokane County Sheriff's Office staff will work cooperatively to periodically confirm operational guidelines provided to subrecipients, including requiring the submittal of a signed Title VI Program Assurance form with the applicable provision and related requirements.

2. Post-Grant Reviews

There are no subrecipients that receive FMCSA funding under this grant. However, the Coordinator will collaborate with the Spokane County Sheriff's Office staff to conduct periodic post-grant reviews to ensure expenditures adhere to Title VI Program requirements. (See Section 7.0). Appropriate staff will periodically confirm that operational guidelines provided subrecipients, include Title VI language and provisions and related requirements, where applicable.

3. Remedial Action

When irregularities occur in the administration of FMCSA programs at either Spokane County or subrecipient levels, corrective action will be taken to resolve identified Title VI issues. Spokane County will seek the cooperation of the subrecipient, contractor and/or consultant in correcting deficiencies found during periodic reviews. Spokane County will provide technical assistance and guidance, upon request, to support compliance by the subrecipient. When conducting Title VI Program compliance

reviews, Spokane County will reduce to writing any recommended remedial action agreed upon by Spokane County and the subrecipient and provide a copy of the written remedial action within a period not to exceed 45 days.

Subrecipients 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 subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Spokane County will submit to WSDOT and FMCSA copies of the case file along with a recommendation that the subrecipient be found in noncompliance.

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

7.0 Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. Planning Process

The Spokane County Public Works Department has the responsibility for providing long-range planning, program development and capital programming necessary to provide efficient transportation services to Spokane County residents. Spokane County is committed to providing meaningful opportunities for public involvement of residents who are of minority populations and/or low-income populations in the County transportation planning and program development.

The Spokane County Public Works Department annually updates and coordinates the County's six year plan for transportation improvement programs and projects.

The projects included in the update are the result of the evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from Spokane County departments, cities within Spokane County, local jurisdictions, organizations, citizen groups, and private citizens. All six year plans must be consistent with the adopted Comprehensive Plan approved under the Washington State Growth Management Act.

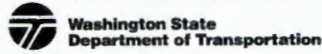
2. Authorities

Spokane County Code; 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 and RCW 47.80

3. Public Involvement in Planning Activities & Title VI

- a) Invite participation of a cross section of the community including diversity in social, economic and ethnic populations by disseminating written program information to minority media and ethnic organizations and providing public service announcements for all local media whenever forming citizen advisory committees or planning boards.
- b) Spokane County Public Works staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to the Title VI Coordinator, by the Public Works Specialist, after each meeting. (See Attachment A).
- c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the County, including those along transit routes, and also ensuring translation services are available if anticipated. In addition, Spokane County will ensure that public meetings are held in predominantly minority community areas when transportation projects will specifically impact those communities.

ATTACHMENT "A"



TITLE VI PUBLIC INVOLVEMENT

Form adapted for Spokane County use.

The Federal Highway Administration requires the Washington State Department of Transportation to be sure that everyone in the affected project areas has a chance to be heard and to respond to transportation programs and activities that may affect their community.

To help with that, we ask that you voluntarily provide us information about your race, ethnicity and/or sex. You are not required to disclose the information requested in order to participate in this meeting.

The information gathered as confidentially as possible. For further information regarding this process please contact the Washington State Department of Transportation Title VI Coordinator by phone at 360-705-7098.

Please respond to the following questions:

Project Name	Date
Location of Public Meeting	

Name (Optional) (Please print)	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
General Ethnic Identification Categories (Check as many as apply)	
<input type="checkbox"/> African American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other _____	
Race	National Origin

After you have completed this form, please place it inside the designated box on the registration table. **Thank you for your participation!**

B. Consultant Contract Activities

1. Consultant Contacts

The Spokane County Public Works Department follows the rules set forth in WSDOT Local Agency Guidelines Manual in the hiring of appropriate consultants for projects. The Spokane County Public Works Department administers awarded consultant contracts.

2. Authorities

Spokane County Code; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172

3. Consultant Selection Process

Spokane County Public Works staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects. Consultant selection from the certified list maintained by the Public Works Department adheres to Washington State laws (RCWs) and is consistent with Spokane County vendor policies and procedures.

4. Title VI Assurances and Provisions

- a) Include applicable Disadvantaged Business Enterprise (DBE) and Women Business Enterprise (WBE) goals in designated projects and seek to proactively achieve the goal(s)
- b) Include Title VI assurance and provision language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the contract to the Coordinator and any amendments or updates which may occur over time.
- c) The Public Works Department will maintain updated demographic data on the utilization of women and minority owned consulting firms. As they occur, a copy of the award letter will be provided to the Coordinator, by the Public

Works Specialist for use in preparing the Annual Update Accomplishment Report.

C. Design & Engineering/Environmental Activities

1. The Spokane County Public Works Department is responsible for the Capital Programs Office and environmental permitting for projects. Studies are performed to assess various environmental factors as they relate to the implementation of Spokane County's Annual Road Program, including evaluating demographic data.

2. Authorities

Spokane County Code; Local Agency Guidelines – WSDOT – M36-63; Standard Plans for Roads, Bridge and Municipal Construction – WSDOT; APWA – M21-01; Title 23 USC 109(d), 14(a) 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898

3. Design/Environmental Review Process and Title VI

- a) Depending upon the scope, complexity and impacts of a project, a National Environmental Policy Act (NEPA) Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-Significance, and/or NEPA/SEPA Environmental Impact Statement will be completed.
- b) Monitor compliance with Title VI requirements in all aspects of conducting the Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Public Works Specialist; including updated summary lists as applicable. The Public Works Specialist will provide this information to the Coordinator. Incorporate into the review process, adequate time for the Public Work Specialist, as well as the Coordinator, to review and comment, as applicable on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as a result of the Spokane County Federal-aid highway activities.

- c) In order to ensure dissemination of information and foster participation from affected populations, Spokane County Engineering staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings and arrange for transportation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department; to view plans and discuss environmental problems.
- d) The Spokane County Public Works Department staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-in form which includes race, gender and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.
- e) The Spokane County Public Works Specialist shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the Spokane County Public Works staff and other departmental staff to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.

D. Right-of-Way Activities

1. Real Estate Office

The Real Estate Office located within the Spokane County Public Works Department manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right-of-way acquisition process entails appraisals 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 organizations.

2. Authorities

Spokane County Code; WSDOT Right-of-Way Manual, M26-01; 23 CFR 130; 49 CFR 24; 47 RCW; WAC 468.100

3. Right-of-Way Activities and Title VI

- a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Spokane County vendor procurement policies in the acquisition of contracted services.
- b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers and provide data to the Public Works Specialist on a quarterly basis.
- c) Follow the guidelines in the Right-of-Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504
- d) Adhere to departmental policy of apprising affected property owners, tenants and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT and a copy of Spokane County's Title VI Compliance brochure to all affected parties.
- e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
- f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- g) Ensure comparable replacement dwellings are available and assistance is given to all displaced person and entities by the property acquisition process.
- h) Maintain statistical data including race, color, national origin and sex on all relocations affected by Federally funded projects and provide detailed demographic data quarterly to the Public Works Specialist who will then provide to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. Construction Management Office

This division is located within the Spokane County Public Works Department and is responsible for administration of all new construction contracts and inspecting bridges. The Public Works Department is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Spokane County Public Works Director.

2. Authorities

Construction Manual M41-01; WSDOT Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Roads, Bridges and Municipal Construction

3. Maintenance

The Spokane County Public Works Department is responsible for the efficient program for maintaining all Spokane County roads, bridges and parks/grounds economically utilizing the resources of contactors, equipment and materials.

4. Authorities

Maintenance Manual M51-01; WSDOT Construction Manual M41-01; Standard Specifications for Roads, Bridges and Municipal Construction Section (M 41-10); Clark Agency Road Standards

5. Construction and Maintenance Activities and Title VI

- a) Review all Federally funded projects for application of DBE/WBE goals. As appropriate, include DBE/WBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulate in Spokane County's Title VI Policy Statement and Assurances contained herein.
- b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE/WBE requirements. Include Title VI language in prime

contract award letters to encourage utilization of DBE/WBE subcontracts and vendors.

- c) Ensure that prime contractors with DBE/WBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
- e) Coordinate the gathering of maintenance and construction information regarding DBE/WBE participation for the Annual Title VI Report and provide to the Coordinator.

F. Spokane County Sheriff's Office Activities – Federal-Aid Programs

1. Spokane County Sheriff's Grants Management Office

This office is located within the Spokane County Sheriff's Office and is responsible for the administration of all activities funded solely or in part by DOT grants. The Office of the Spokane County Sheriff is responsible for oversight and the administration of those projects, as set forth by policy decisions and supervision of the Spokane County Sheriff.

2. Authorities

Spokane County Code; Spokane County Sheriff's Office Policies and Procedures.

3. Funded Activities

The Spokane County Sheriff's Office is responsible for the efficient and effective funding of programs designed to improve the movement of commercial vehicles operating on Spokane County roadways. This includes educating the public on safe-driving procedures when operating in the vicinity of commercial vehicles, as well as providing education to commercial vehicle operators on safety and expedient routes of travel through Spokane County.

4. Spokane County Sheriff's Office Activities and the Title VI Program

There are no subrecipients who receive funding under this grant funding. Should this situation change, the Spokane County Sheriff's Office and the contractor/

subrecipient will complete the items contained below as appropriate. There currently is one contractor receiving funding from this grant which prepares and provides media public safety advertising spots and brochures. Regarding the Title VI requirements and a contractor, the contractor may not discriminate if it subcontracts a portion of the contracted work to another contractor.

- a) Include Title VI language in bid announcements and applicable contracting documents as stipulated in Spokane County's Title VI Policy Statement and Assurances.
- b) Award contracts on the basis of lowest responsive bidder. Include Title VI language in contract award letters to encourage utilization of DBE/WBE subcontracts and vendors.
- c) Monitor all contracted activities to ensure nondiscrimination throughout all operations.
- d) Coordinate the gathering of program activity information regarding DBE/WBE participation for the Annual Title VI Report and provide to the Coordinator.

8.0 Community Participation Process

This section of the Plan is applicable to all FMCSA State Partners that provide services/activities to the public. FMCSA interprets this to apply to all motorist licensure/motor vehicle registration-related services/activities (including knowledge tests, skills tests, etc.). FMCSA is not aware of any enforcement-related activities (i.e. motor carrier compliance reviews, safety inspections, etc.) that fall under this requirement. Washington State Department of Licensing is responsible for the oversight of these activities, therefore this section is not applicable to Spokane County.

9.0 Spokane County FMCSA Title VI Program Assurances

Spokane County (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Spokane County directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Spokane County to ensure Federal agencies carry out their responsibilities.

Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Spokane County is aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that Spokane County evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: <http://www.thwa.dot.gov/environment/ejustice/facts/index.htm>;

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the *"application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency."* When receiving Federal funds Spokane County is expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also DOT's *"Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons,"* dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

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

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 Spokane County so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, Spokane County agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. Spokane County 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. Spokane County 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 Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"Spokane County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.";

3. Spokane County 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. Spokane County 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 Spokane County;
5. That where Spokane County receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and

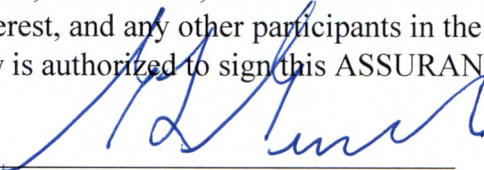
facilities operated in connection therewith;

6. That where Spokane County 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 Spokane County 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 Spokane County 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 Spokane County 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 Spokane County, 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 Spokane County retains ownership or possession of the property.
9. Spokane County 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. Spokane County 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, Spokane 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 FMCSA 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 FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, 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.

Spokane 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 Department of Transportation under the FMCSA Program. This ASSURANCE is binding on Washington, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Gerry Gemmill
Chief Executive Officer

5-17-18
Date

ASSURANCE 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 Nondiscrimination in Federally- assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 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, national origin, sex, age, disability, income- level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Spokane County or the FMCSA 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 Spokane County or the FMCSA, 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, Spokane County will impose such contract sanctions as it or the FMCSA 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 Spokane County or the FMCSA 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 Spokane County to enter into any litigation to protect the interests of Spokane County. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE 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 Department of Transportation as authorized by law and upon the condition that Spokane County will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of Federal Motor Carrier Safety Administration (FMCSA) Program, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Spokane County all the right, title and interest of the 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 Spokane 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 Spokane County its successors and assigns.

Spokane 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,

national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that Spokane 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

ASSURANCE 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 Spokane 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: 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 Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Spokane 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, the Spokane 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 the Spokane County and its assigns.*

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

ASSURANCE 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 Spokane 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, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (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, national origin, sex, age, disability, income-level, or LEP 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, Spokane 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, Spokane County will there upon revert to and vest in and become the absolute property of Spokane County and its assigns.*

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

ASSURANCE APPENDIX E

UNITED STATES DEPARTMENT OF TRANSPORTATION STANDARD TITLE VI NON-DISCRIMINATION ASSURANCES (DOT ORDER NO. 1050.2A)

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:

- 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), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- 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, (102 Stat. 28.), ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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), as implemented by 49 C.F.R. § 25.1 et seq.