



Whatcom County

TITLE VI PLAN

Beginning date of Plan May 3, 2023

Agency Administrator

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TABLE OF CONTENTS

- I. TITLE VI NON-DISCRIMINATION ASSURANCES.....4
- II. TITLE VI POLICY STATEMENT.....14
- III. ORGANIZATION, STAFFING, AND STRUCTURE.....14
- IV. PRIMARY PROGRAM AREA DESCRIPTIONS & REVIEW PROCEDURES.....16
- V. REVIEW PROCEDURES.....20
- VI. DATA COLLECTION/REPORTING/ANALYSIS.....21
- VII. TITLE VI TRAINING21
- VIII. TITLE VI COMPLAINT PROCEDURES22
- IX. TITLE VI COMPLAINT FORM24
- X. PUBLIC PARTICIPATION26
- XI. LIMITED ENGLISH PROFICIENCY.....26
- XII. ENVIRONMENTAL JUSTICE.....26
- XIII. NOTICE OF TITLE VI RIGHTS27

I. Title VI Non-Discrimination Assurances

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

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Local Agency, Whatcom County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or

any transferee for the longer of the following periods:

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

By signing this ASSURANCE, **Whatcom 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 **Whatcom County** 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 local agency, **Whatcom County**. You must keep records, reports, and submit the material for review upon request to **Whatcom County**, 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.

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

Whatcom County
Authorized Official

by 
Satpal Singh Sidhu, County Executive
Whatcom County Title VI Administrator

DATED 5/10/23

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Discrimination

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Whatcom County or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to Whatcom County, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Whatcom County and the Washington State Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Whatcom County or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Whatcom County enter into such litigation to protect the interests of the County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

NOW, THEREFORE, Whatcom County, as authorized by law, and upon the condition that the State of Washington will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and 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, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto the State of Washington all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **Whatcom 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 **Whatcom County**, its successors and assigns.

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

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

APPENDIX C

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Whatcom 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, **Whatcom 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 **Whatcom County** and its assigns. *

APPENDIX D

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

- The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Whatcom 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. *
- With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Whatcom County** will there upon revert to and vest in and become the absolute property of **Whatcom County** and its assigns. *

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

II. Title VI Policy Statement

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

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

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

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

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

III. Organization, Staffing, and Structure

The County Executive is ultimately responsible for ensuring full compliance with the provisions of Title VI of the Civil rights Act of 1964 and related statutes and has directed that non-discrimination is required of all Local Public Agency employees, contractors, and agents pursuant to 49 CFR Part 21.

The Director of the Public Works Department on behalf of the County Executive is responsible for the overall management of the Title VI program. The day-to-day administration of the program lies with the Assistant Director of the Public Works Department/County Road Engineer/Title VI Coordinator under the direct supervision of the Director of Public Works.

In addition to the Title VI Coordinator, each of the special emphasis program areas listed in [Section III](#) below shall have designated a Title VI Liaison. The liaisons shall be responsible for ensuring compliance, program monitoring, reporting, and training within their respective programs, and will assist the Title VI Coordinator by providing requested information as needed.

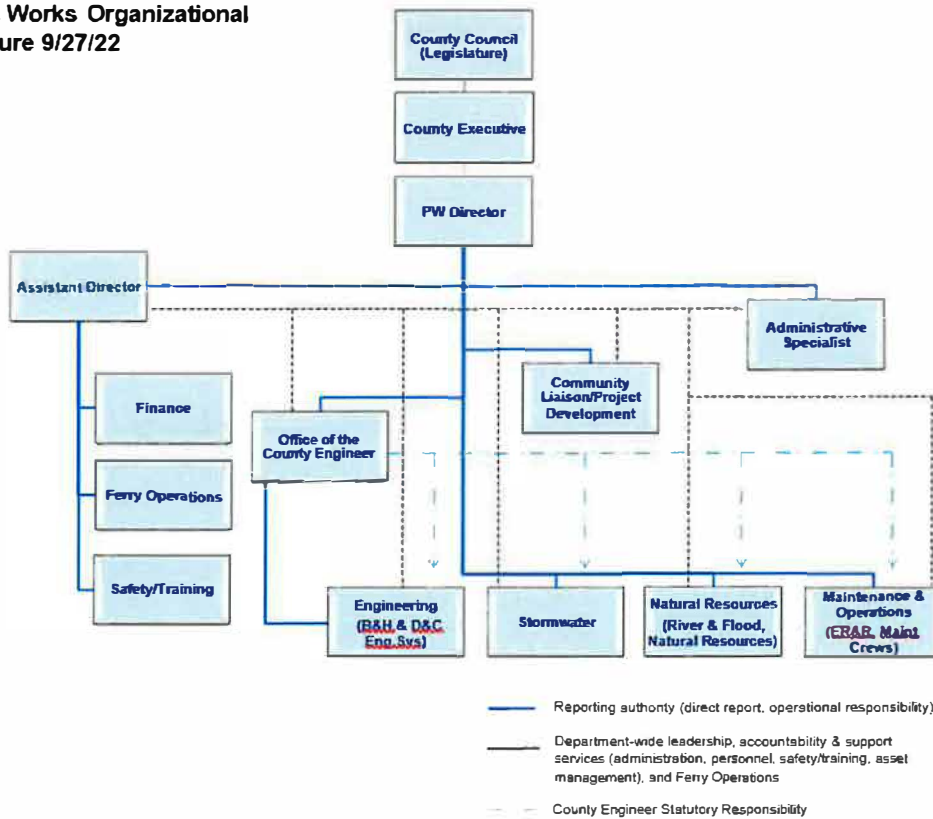
A. Organizational Chart and Reporting Relationships

As authorized by the County Executive, the Title VI Coordinator, in coordination with the Public Works Director and County Engineer, and other county departments and liaisons, is responsible for initiating, monitoring, and ensuring Whatcom County’s compliance with Title VI requirements as follows:

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency’s behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to WSDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

Public Works Organizational Structure 9/27/22



IV. Primary Program Area Descriptions & Review Procedures

Title VI Coordinator’s Responsibilities and Program Administration – As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Whatcom County’s (LPA)’s compliance with Title VI requirements as follows:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
<p>Contract Management</p> <p><i>(Includes County Purchasing as well as delegated contract responsibilities to all program areas below)</i></p>	<ul style="list-style-type: none"> • Development and management of contracts and purchasing, including hiring of consultants and contractors. • Work with County staff to assemble Requests for Proposals and Bid Packages, ensure competitive selection of consultant firms, recommend award of construction contracts based on lowest responsive/responsible bidder. • Responsible for ensuring compliance with contract provisions, including DBE goals, Title VI and Equity/Social Justice Requirements. 	<ul style="list-style-type: none"> • Include applicable Disadvantaged Business Enterprise (DBE) goals in the contract documents as a contract compliance item. • Include Title VI language in all contracts, and assurance and provision language in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations. 	<ul style="list-style-type: none"> • Maintain necessary data and documentation required for completion of the department’s Title VI Annual Report. • Review of directives and operational guidelines to ensure Title VI compliance. • Review and ensure all appropriate Title VI language is placed in bid announcements, requests for proposals and applicable contract documents.
<p>Real Estate Services</p>	<ul style="list-style-type: none"> • Manages and coordinates property appraisal and acquisitions, easements, rights-of-way, and other property rights for all divisions of the Public Works Department, as well as advises other departments of the County. • Ensure that the property acquisition process 	<ul style="list-style-type: none"> • Adhere to departmental policy for apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation, and other aspects of the acquisition process. • Ensure that appraisal standards and communications associated with the appraisal and 	<ul style="list-style-type: none"> • Ensure relocation advisory assistance services are provided to all eligible displaced persons, tenants, and entities. • Ensure the preparation of deeds, permits and leases contain the appropriate Title VI clauses (Appendixes 2 and 3). • Apprise property owners and tenants of their rights

	<p>follows the 5th Amendment of the Constitution, WSDOT Right of Way Manual and Local Agency Guidelines Manual, and all applicable local, state, and federal laws and regulations, including Title VI and Section 504.</p>	<p>negotiation operations result in equitable treatment.</p> <ul style="list-style-type: none"> • Ensure that relocation advisory assistance services are provided equitably to all displaced persons and entities. 	<p>and options under eminent domain acquisition including appraisal, negotiation, relocation, condemnation, and other aspects of the acquisition process.</p> <ul style="list-style-type: none"> • Follow the guidelines in the WSDOT Local Agency Guidelines manual for property acquisition as well as the WSDOT Right of Way Manual and all applicable local, state, and federal laws and regulations, including Title VI and Section 504 of the Rehabilitation Act of 1973.
<p>Communication Services</p>	<ul style="list-style-type: none"> • Responsible for public outreach and communication support for all divisions of the Public Works Department, and coordinate on County-wide matters with other departments. • Responsible for determining the community composition and appropriate outreach with translation or interpretation services available. 	<ul style="list-style-type: none"> • Disseminate written program or project information to minority media and provide public service announcements for social and traditional media as warranted. • Works with Title VI Coordinator to assist staff in providing, as appropriate, EJ and LEP populations with useful access to information and inclusion in program and project public outreach and involvement processes. 	<ul style="list-style-type: none"> • Works with the Title VI Coordinator to utilize and consider demographic data and other sources of information to help identify and address LEP, and EJ, communications and Title VI compliance.
<p>Policy and Planning</p>	<ul style="list-style-type: none"> • Responsible for transportation planning, including: completing biennial updates to concurrency; updating the Six-Year Transportation Improvement Plan; generating the Annual Construction Program; administration of the agency’s grants program; and review of development proposals with respect to 	<ul style="list-style-type: none"> • Ensure that participation of a cross section of various social, economic, and ethnic interest groups is represented in the planning process by distributing program information to minority media and ethnic organizations. • Work Closely with Title VI Coordinator to seek input from affected populations. • Work closely with Communication Services to provide notice of public hearings 	<ul style="list-style-type: none"> • Ensure that all aspects of the planning process operation comply with Title VI. • Maintain required Title VI compliance documentation and statistical data. • Work Closely with Title VI Coordinator to ensure that all aspects of the location selection process comply with the Title VI requirements.

	impacts to the county's road system.	and meetings in minority newspapers and newsletters.	
Engineering Services – <i>(Includes Traffic, Right-of-way, Design/Construction, Bridge/Hydraulic, Survey, Administration)</i>	<ul style="list-style-type: none"> Responsible for design and construction of capital transportation improvement projects, including designing of our roadways and bridges; overseeing design consultants; and working with Project and Program Support Services in assembling Requests for Proposals and Bid Packages. Also performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. 	<ul style="list-style-type: none"> Maintain required Title VI compliance documentation and statistical data. Work Closely with Environmental Services and Communication Services to ensure that all aspects of the location selection process comply with the Title VI requirements. Work Closely with Environmental Services and Communication Services to consult and seek input from affected populations. Work closely with Communication Services to provide notice of public hearings and meetings in minority newspapers and newsletters. 	<ul style="list-style-type: none"> Review activities associated with public project open houses to enhance the participation of targeted communities. Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
Engineering Services / Environmental Services	<ul style="list-style-type: none"> Responsible for analyzing environmental issues, acquiring permits and approvals, and evaluating pending regulations to achieve cost-effective regulatory compliance and avoid or minimize adverse project/program impacts. Assist in integrating environmental considerations and regulatory requirements into County programs and construction projects. Work with regulatory agencies to streamline the environmental permit process. 	<ul style="list-style-type: none"> Support public notification and make information accessible to public hearings and outreach meetings to review proposed project and environmental impact. Support the distribution of information to the public confirming their rights to call or write the department to view plans and discuss environmental problems. 	<ul style="list-style-type: none"> Monitor compliance with Title VI requirements in all aspects of the environmental process associated with construction projects/programs. Review environmental information to assess economic and social impacts to ensure compliance with Title VI and Executive Order 12898, and to assist the Title VI Coordinator to identify any potential Title VI /Environmental Justice issues in the project/program development process.
Maintenance &	<ul style="list-style-type: none"> Responsible for completing work that is 	<ul style="list-style-type: none"> Monitoring all maintenance operations and management 	<ul style="list-style-type: none"> Review activities and programs to assure that

<p>Operations</p>	<p>planned and performed on a routine basis to maintain and preserve the condition of the road system including signs, traffic signals, drainage, paving, bridges, and river maintenance or to respond to specific conditions and events that restore the roadway system to an adequate level of service.</p> <ul style="list-style-type: none"> • Works closely with Environmental Services to help avoid or minimize the environmental impact of a project during maintenance and operations. 	<p>practice to ensure nondiscrimination.</p> <ul style="list-style-type: none"> • Coordinates the gathering of maintenance information regarding DBE participation for the Annual Title VI Report. 	<p>maintenance efforts and resources are applied uniformly & fairly, and in full compliance with Title VI requirements.</p>
<p>Human Resources</p>	<ul style="list-style-type: none"> • Works with all County Department Staff to provide training and enforcement of hiring, nondiscrimination, harassment, violence prevention and similar human resource related laws regulations, policies, procedures, and guidelines. 	<ul style="list-style-type: none"> • Assist with Title VI and other nondiscrimination related training, and the tracking of training statistical data for use by the Title VI Coordinator and preparation of the Annual Title VI Update Report. • Work with the Human Resources Department to obtain gender and racial/ethnic designation employee statistics for use in our Annual Reports. 	<ul style="list-style-type: none"> • Review activities and programs to assure that Title VI Requirements are applied uniformly and fairly, to all County employees.
<p>Human Resources Training</p>	<ul style="list-style-type: none"> • Works with the Public Works Department to provide an equal opportunity for employees to attend training within the parameters established by the Department/Division Budget. 	<ul style="list-style-type: none"> • Plan and Assist with Title VI and other nondiscrimination related training. • Ensure all employees have equal access to training. • Ensure staff is notified of training provided by the National Highway Institute (NHI), WSDOT, Office of the Title VI Coordinator and other agencies. 	<ul style="list-style-type: none"> • Maintain program administration and data necessary for preparation of the annual Title VI Report, including attendance data. • Review operational guidelines and directives to ensure the inclusion of Title VI language and provisions.

V. Review Procedures

Consultant Contracts Administration - Whatcom County assures that every effort will be made to ensure non-discrimination in all programs and activities whether those programs are federally funded or not. The Public Works Engineering Division is responsible for the procurement of consultant contracts by following the requirements set forth in the Whatcom County Purchasing Policy, WSDOT Local Agency Guidelines Manual, 48 CFR 31, and 23 CFR 172.

Public Works staff follows the aforementioned procurement requirements by soliciting Statements of 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 MRSC Roster or through formal bidding procedures adheres to Washington State regulations (RCWs) and is consistent with Whatcom County's Purchasing Policy.

Title VI Assurances and Provisions

- Whatcom County includes applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seeks to proactively achieve the goal(s).
- Whatcom County includes Title VI assurance and provision language in all federally funded consultant contracts, based on USDOT 1052.2, and ensures that these provisions be included in all amendments, and lower tier contracts entered into by the prime consultant. Contract documents are periodically reviewed to ensure compliance with current laws and regulations.

Title VI Review of Subrecipients of Federal-Aid Highway Funds – The Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. The Title VI Coordinator and Public Works staff will review select recipients of Federal Aid Highway funds to ensure adherence to Title VI requirements. The Coordinator and Staff will work cooperatively to periodically confirm operational guidelines are provided to consultants and contractors, including Title VI language, provisions, and related requirements, as applicable.

Post-Grant Reviews – The Title VI Coordinator will collaborate with Public Works Staff to conduct periodic post grant reviews of select recipients of Federal Highway Funds for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants and contractors include the current Title VI language and provisions and related requirements, where applicable.

Remedial Action – When irregularities occur in the administration of federal aid highway programs at either the County or Subrecipient levels, corrective action will be taken to resolve identified Title VI issues. Whatcom County will seek the cooperation of the consultant, contractor or other Subrecipient in correcting deficiencies found during periodic reviews. Whatcom County will provide technical assistance and guidance, upon request, to support voluntary compliance by the Subrecipient. When conducting Title VI compliance reviews, the County will reduce to writing any recommended remedial action agreed upon by the County and Subrecipient, and provide a copy of the letter 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, Whatcom County will submit to WSDOT and FHWA copies of the case file and 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, Whatcom County and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VI. Data Collection/Reporting/Analysis

Hearings, meetings, and all project engagement opportunities are publicized (websites, Local Newspaper publications, social media, etc.) to residents in the affected neighborhoods. Where the population exceeds 5% or 1,000 (whichever is less) in non-English speaking communities, every effort is made to translate outreach materials into the appropriate languages based on current census data. At a minimum, contact information is provided in multiple languages for how to get materials in a different format. During public engagement opportunities, the Public Works Department utilizes the Title VI Compliance Statement to stress the need for collecting data from public at meetings and hearings related to gender and/or racial/ethnic designation. This ensures that federal dollars received by the Agency in their programs are distributed equally and fairly to all County residents in a non-discriminatory manner. A federal survey form is provided as the main vehicle to collect data, and it is requested that the public complete the form before leaving the public meeting. All forms are collected and the data analyzed with the intended outcome of ensuring the inclusion of all segments of the population affected by a proposed project. Collected data is also reported in the annual Title VI Report.

VII. Title VI Training

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

The Title VI Coordinator is responsible for overall Title VI related training for Title VI Liaisons and other staff. WSDOT's Office of Equity and Civil Rights may be asked to provide applicable training as well.

VIII. Title VI Complaint Procedures

Discrimination Complaint Procedure for Whatcom County

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

Complaints related to the Federal-aid programs may be filed with Whatcom County and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Lonni Cummings (LPA's Title VI Coordinator).

Who is eligible to file a complaint?

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

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

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact Lonni Cummings if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Lonni Cummings.

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

A complaint should contain the following information:

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

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

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

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

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

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

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

What happens after a complaint is filed?

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

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

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

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

IX. Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Lonni Cummings at lcumming@co.whatcom.wa.us

Name _____
Address _____ City _____ Zip _____
Phone: Home _____ Work _____ Mobile _____
Best time of day to contact you about this complaint: _____
Email: _____

Basis of Complaint (circle all that apply):

Race	Color	National Origin (includes language access)
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Date of alleged incident: _____

Who discriminated against you?

Name _____
Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____

Explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. If you have any other information about what happened, please attach supporting documentation to the form. (Attach additional pages if more space is needed.)

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

List any other persons that we should contact for additional information in support of your complaint. Please list their names, phone numbers, address, email address below.

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter? _____

Name (print) _____

Phone _____ Address _____

City _____ Zip _____

Signed _____ Date _____

X. Public Participation

Whatcom County identifies populations where English is a second language. Based on demography maps centered around language use, communication materials are translated into Spanish and the languages with 5% or greater use among the community population. For outreach meetings, Whatcom County provides translators. With COVID still prevalent, meetings are predominantly virtual. Whatcom County makes every effort to reach intended audiences and to obtain responses. Gender or racial/ethnic designation data is collected at public meetings only when members of the public fill in the data on the voluntary Title VI Public Meeting Form handed out at public meetings.

To ensure greater participation, meetings are held online and during the evening. In person meetings are held in mobility accessible locations. Hearings, meetings and all project engagement opportunities are publicized (postcards, e-mail, websites, social media etc.) to residents in the affected neighborhoods. All printed and electronic communications are written in plain, reader-friendly English, and include information on how to access the materials in alternative formats or different languages.

XI. Limited English Proficiency

Whatcom County reviews and ensures that targeted communication materials and vital documents are translated into Spanish and other languages where the population meets or exceeds 5% speaking and reading languages other than English. Whatcom County translates public communication materials and vital documents into needed languages on an ad hoc basis. Whatcom County utilizes Language Line translation services for oral interpretation services on an as needed basis when assisting customers over the phone and contracted translation services for in-person interactions at community events.

The Whatcom County Language Access Program provides guidance and tools to departments, agencies, residents, and business as it pertains to accessible communications to individuals with Limited English Proficiency (LEP) and barriers to communication so that all services, programs, and activities are meaningfully accessible to all constituents.

XII. Environmental Justice

As individual capital projects are authorized and initiated, a project review process is initiated early in the project preliminary design phase. Early and ongoing project review is informed by an evolving understanding of the project stakeholders, constituent interests and demographic information obtained by census data GIS data. As the project evolves, so does the project team's understanding of the community and road users being served by the project and the data information is distributed using the Public Communications Plan, provided via Environmental Justice (EJ) documentation for NEPA. The Environmental Justice review uses information within a half mile of the project from the U.S. Project sites are visited to help identify potential sensitive receptors to minimize potential impacts. Physical environments are reviewed/documentated by environmental professional staff to identify critical/sensitive areas, potential project impacts, and future mitigation. Travel habits are studied by Traffic Safety Engineers to assess local and regional mobility, potential project impacts, and future mitigation.

XIII. Notice of Title VI Rights

Notice of Title VI Rights are posted on the Whatcom County website at <https://www.whatcomcounty.us/DocumentCenter/View/16076/Title-I-Notice?bidId=> and are translated based on USDOJ Safe Harbor thresholds. In addition, individuals can request translated documents through the Title VI Coordinator.

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

Whatcom County hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Agency receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Whatcom County. Any such complaint filed with the Whatcom County Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the Whatcom County Human Resources office at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Whatcom County Public Works
Title VI Coordinator
322 N. Commercial Street, Suite 301
Bellingham, WA 98225
publicworks@co.whatcom.wa.us
Ph: 360-778-6210

-or-

Washington Department of Transportation
Office of Equity and Civil Rights – Title VI
Box 47314
Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
Phone: (800) 259-9143