

Walla Walla Valley Metropolitan and Sub-regional Transportation Planning Organization

Title VI Plan

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Title VI Plan – WWVMPO/SRTPO

I. Policy Statement, Authorities and Citations


A. Policy of Non-discrimination

The Walla Walla Valley Metropolitan and Sub-regional Transportation Planning Organization (WWVMPO/SRTPO or Policy Board or Organization) 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 Organization sponsored program or activity. WWVMPO/SRTPO 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.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

In the event WWVMPO/SRTPO distributes Federal aid funds to another entity, the Organization will include Title VI language in all written agreements and will monitor for compliance.


Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Walla Walla Valley MPO/SRTPO Policy Board (Policy Board) pursuant to its budgetary authority and responsibility. The Policy Board and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



James Johnson, Walla Walla County Commissioner and
WWVMPO/SRTPO Policy Board Chair

9/2/15

Date



Andrea Weckmueller-Behringer, Executive Director and
WWVMPO/SRTPO Title VI Coordinator

9/2/15

Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

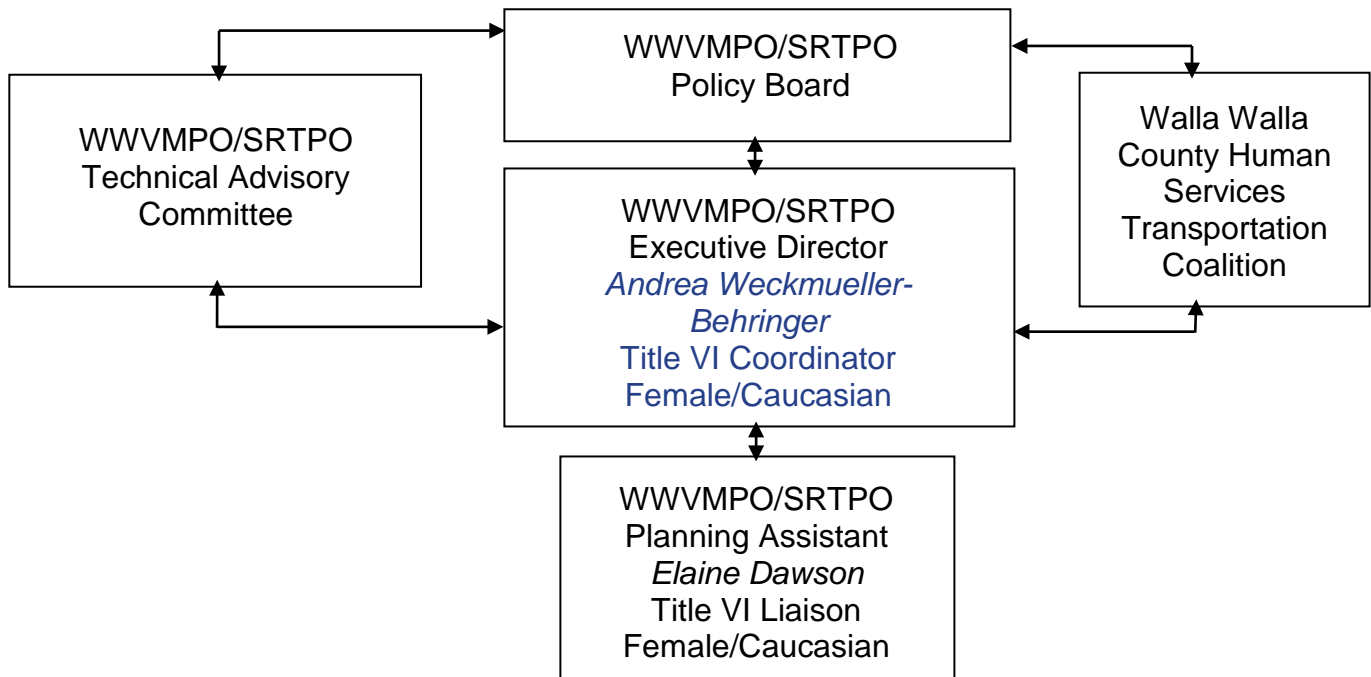
C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

II. Organization, Staffing and Structure

Pursuant to 23 CFR 200, WWVMPO/SRTPO has appointed a Title VI Coordinator who is responsible for maintaining the Organization Chart below, which describes the hierarchy and placement of Title VI responsibilities for WWVMPO/SRTPO's Title VI Program.

A. Organizational Chart – Reporting Relationships



B. Staffing and Structure

1. **WWVMPO/SRTPO Policy Board & Title VI Coordinator**

The Agency Administrator (WWVMPO/SRTPO Policy Board or Policy Board or Organization) is authorized to ensure compliance with provisions of the Organization's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Organization's grants compliance function and Title VI coordination shall be performed under the authority of the Policy Board.

The WWVMPO/SRTPO Policy Board has designated the Executive Director to perform the duties of the Title VI Coordinator and ensure implementation of the Organization's Title VI Federally Funded Transportation Program. The Executive Director has other duties and responsibilities in addition to Title VI. Since the Policy Board provides direction to the Executive

Director in all Organization functions, the Title VI Coordinator position shall have a direct reporting relationship and access to the Policy Board.

2. Title VI Liaisons

Additionally, the Organization has designated Title VI Liaisons (Liaisons) in special emphasis program areas. The Liaisons, designated below, shall work in concert with the Title VI Coordinator. These key program areas are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing Organization directives and policies to ensure civil rights compliance and equal opportunity. The Liaisons will work with the Coordinator to ensure their respective 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 applicable staff. Title VI Liaisons will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under Federally funded projects or programs. Liaisons will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Liaisons will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of Federally funded WWVMPO/SRTPO transportation programs. Each of the Liaisons will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

List of Title VI Liaisons by their Official Job Title

- Planning Assistant

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Policy Board, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring WWVMPO/SRTPO'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, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Policy Board.

B. Complaints. Review written Title VI complaints that may be received by WWVMPO/SRTPO following the adopted procedural guidelines (see Section V – 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 Liaisons periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).

D. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by WWVMPO/SRTPO member jurisdictions and agencies for projects receiving Federal Highway Administration or other Federal assistance.

E. Training Programs. Conduct or facilitate training programs on Title VI issues and regulations for Organization employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

F. Title VI Plan Update. Review and update the WWVMPO/SRTPO Transportation Program, Title VI Plan as needed or required. Present the updated plan to the Policy Board for approval; submit any amended Plan to Washington State Department of Transportation (WSDOT) and Oregon Department of Transportation (ODOT).

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 September 30 of each year.

H. Public Dissemination. Work with Organization staff to develop and disseminate Title VI program information to Organization employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Organization's Title VI Policy Statement in newspaper(s) having a general circulation, and 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 all WWVMPO/SRTPO member jurisdictions and agencies to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Organization processes.

J. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, WSDOT and ODOT guidelines, this initial WWVMPO/SRTPO Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Organization's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other WWVMPO/SRTPO member jurisdictions and agencies or the public as requested or required.

IV. NHI Education and Title VI Training

In keeping with adopted WWVMPO/SRTPO policy of non-discrimination, departmental procedures will be established or followed for Organization employees to have equal access to applicable educational and training opportunities. Organization 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.

A. National Highway Institute (NHI) Education

The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to Organization employees. The Executive Director will establish policy 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, sex and ethnicity for use in completing the annual Title VI accomplishment report.

B. Title VI Training

The Coordinator is responsible for overall Title VI related training and staff development for Title

VI Liaisons and other Organization employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office and/or ODOT's Office of Civil Rights may be asked to provide applicable training.

C. Selection of Instructors

The Coordinator will follow the Organization's Procurement and Purchase Procedures to ensure Organization policy is followed in the selection of instructors for WWVMPO/SRTPO training courses/ workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the Organization will provide accessibility to Minority/Women/Disadvantage Business Enterprise consulting and training firms to compete for training contracts.

V. Complaint Procedures – 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 as amended, 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 WWVMPO/SRTPO, as well as to sub-recipients, consultants, and contractors. 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 the Organization and sub-recipient 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 WWVMPO/SRTPO's Executive Director. A formal complaint must be filed within one hundred eighty (180) calendar days of the alleged occurrence. The Organization will not officially act or respond to complaints made verbally. See Appendix
2. Upon receiving the written complaint, WWVMPO/SRTPO will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Organization may request that the WSDOT Office of Equal Opportunity or the ODOT Office of Civil Rights conduct the investigation. In the event WSDOT or ODOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their respective State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Organization the appropriate member jurisdiction or agency shall be notified of the complaint, within fifteen (15) calendar days.
4. Once the Organization decides its course of action, the complainant and 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, handicap/disability, age or sex.

5. In cases where WWVMPO/SRTPO assumes investigation of the complaint, the Organization 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 the Organization with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT or ODOT investigator will prepare a written investigative report for the Policy Board. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The recommendation shall be reviewed by the Prosecuting Attorney's office (PA). The PA may discuss the report and recommendations with the Coordinator and other appropriate Organization staff. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings 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 WWVMPO/SRTPO's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) and ODOT's Office of Civil Rights within 60 calendar days of the receipt of the complaint.
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 the agency's decision to WSDOT, ODOT, 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 of Complaints must be maintained by each organization. The Log of 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

Only qualified, well-trained investigators should conduct these investigations. No organization is allowed to investigate a complaint against itself.

VI. Sub-Recipient Review and Remedial Action Procedures

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

Liaisons and the Coordinator will assist WSDOT and ODOT to periodically conduct Title VI compliance reviews. WWVMPO/SRTPO staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VII). The WWVMPO/SRTPO jurisdictions and agencies will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Reviews

The Coordinator will collaborate with WWVMPO/SRTPO member organization staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds,

for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of Federal-aid highway programs at either the MPO/SRTPO or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. WWVMPO/SRTPO will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. WWVMPO/SRTPO will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the Organization will reduce to writing any recommended remedial action agreed upon by the WWVMPO/SRTPO and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, WWVMPO/SRTPO will submit to WSDOT, ODOT, and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, WWVMPO/SRTPO, ODOT, and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. Planning Process - The WWVMPO/SRTPO has responsibility for providing long-range planning (through service agreements with WSDOT, ODOT, and Benton-Franklin Council of Governments), program development, and capital programming necessary to provide efficient transportation services to Organization citizens. The Organization annually updates and coordinates WWVMPO/SRTPO's four-year plan for transportation improvement programs and projects. The update also informs other WWVMPO/SRTPO jurisdictions and agencies of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from WWVMPO/SRTPO staff, cities, local jurisdictions and organizations, citizen groups, and private individuals. All member jurisdictions' and agencies' six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.

2. Authorities - 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning; RCW 47.80 Regional Transportation Planning Organization (RTPO)

3. Public Involvement in Planning Activities & Title VI

a) Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.

b) WWVMPO/SRTPO 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 Title VI Coordinator after each meeting.

c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the WWVMPO/SRTPO planning region, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

d) The following planning activities include Title VI elements:

1) Data Collection

Statistical data on race, color, national origin, income level, language spoken, and gender of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained by each Title VI Liaison for her or his program area, as described in the "Program Area Responsibilities" section of this document. The data gathering process will be reviewed periodically to ensure sufficiency of the data in meeting the requirements of the Title VI program.

2) Annual Report and Update

An Annual Report and Update is to be submitted by September 30th each year, to Washington State Department of Transportation's (WSDOT's) Office of Equal Opportunity, Oregon Department of Transportation's (ODOT's) Office of Civil Rights, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The Title VI Liaison(s) is/are responsible for drafting sections of the report and the Title VI Coordinator is responsible for reviewing the document. The document is to include:

- i. A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes.
- ii. An update on Title VI-related goals and objectives for the upcoming year.

3) Annual Review of the Title VI Program

Each year, as preparation for authoring the Title VI Report and Update, the Title VI Coordinator and Liaison(s) will review WWVMPO/SRTPO's Title VI program to assure compliance with Title VI. Additionally, WWVMPO/SRTPO's operational guidelines and publications, including contracts with consultants, will be reviewed to ensure Title VI language and provisions are incorporated as appropriate.

4) Dissemination of Information Related to the Title VI Program

Information on WWVMPO/SRTPO's Title VI program is to be disseminated to organization employees, contractors and consultants, beneficiaries, and the general public as described in the "Program Area Responsibilities" section of this document.

5) Metropolitan and Regional Transportation Improvement Program (M/RTIP)

WWVMPO/SRTPO submitted their first M/RTIP to WSDOT in October 2013 for inclusion into the STIP. The projects and financial constraint of the 2014-2017 M/RTIP is directly tied to the Benton-Franklin Council of Governments' (BFCG's) Regional and Metropolitan Transportation Plan. For public participation in the 2014-2017 M/RTIP, WWVMPO/SRTPO created postcard announcements for the three M/RTIP public meetings. The postcards were made available at the Walla Walla Fair and Frontier Days and distributed to the TAC and Policy Board members to hand out. The postcards were double-sided; Spanish on one side and

English on the other. Additionally, newspaper announcements were printed in three local papers in English and the notification was put on the website. The document itself was made available at two physical locations; the MPO/SRTPO office in Walla Walla and the Walla Walla Library.

6) Public Participation Plan (PPP)

WWVMPO/SRTPO approved a formal Public Participation Plan (PPP) in June 2014 to precede the development of the Metropolitan and Regional Transportation plan. As noted in the Amended SFY-14 Unified Planning Work Program (UPWP), a strategic planning outline for the PPP was due by June 30, 2014. Staff completed the Plan and the Policy Board approved the Plan on June 4, 2014. It is the intention of the WWVMPO/SRTPO to explore different methods by which to engage the public including, but will not be limited to:

- i. Providing notifications and announcements of public comment opportunities in appropriate processes in local newspapers, online in the WWVMPO website currently maintained by WSDOT, and at two physical locations – the Walla Walla Library and the WWVMPO/SRTPO office in Walla Walla. Additionally, the notifications and announcements are printed in English and Spanish.
- ii. Developing a website that will be maintained and updated by staff.
- iii. Creating a newsletter that will be maintained and updated by staff.

7) Metropolitan and Regional Transportation Plan (M/RTP)

WWVMPO/SRTPO has started work on the Metropolitan and Regional Transportation Plan (M/RTP or Long-range Plan). Efforts started in SFY 2014 include initiating travel demand model development, Human Services Transportation Plan development, financial base conditions and forecasting. In SFY 2015, WWVMPO/SRTPO will begin its visioning efforts, developing a project timeline including identifying milestones and documenting existing conditions in the region. The Long-range Plan is due for interagency review by May 2016.

8) Coordinated Human Services Transportation Plan (HSTP)

The SFY 2012-2013 HSTP projects and financial constraint for those projects in this region are directly tied to the Benton-Franklin Council of Governments' (BFCG's) Human Services Transportation Plan. An update of the HSTP has been initiated in SFY 2014. The WWVMPO/SRTPO gathered regional stakeholders for a coalition that meets on a quarterly basis (more often as they develop the HSTP) to discuss unmet or new opportunities for public transportation services in the public and private sectors. This coalition is a standing committee of the WWVMPO/SRTPO and consists of stakeholders that are drafting the first WWVMPO/SRTPO HSTP by September 30, 2014. An updated list of regional Consolidated Public Transportation projects will be completed by November 2014.

B. Consultant Contracts Activities

1. Consultant Contracts Administration - The WWVMPO/SRTPO TAC is responsible for recommending consultant firms to the WWVMPO/SRTPO Policy Board for final selection, negotiation and award. The Executive Director administers awarded consultant contracts.
2. Authorities - WSDOT Local Agency Guidelines; ODOT Region 5 Guidelines; 48 CFR 31; 23 CFR 172

3. Consultant Selection Process - WWVMPO/SRTPO staff will request qualifications from consulting firms specializing in various aspects of MPO/SRTPO planning or organizational tasks as needed. See the WWVMPO/SRTPO Procurement and Purchase Procedures for details.

4. Title VI Assurances and Provisions

- a) Include applicable Disadvantaged Business Enterprise (DBE) 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 form of the contract to the Coordinator, and any amendments or updates that may occur over time.
- c) The Coordinator 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 for use in preparing the Annual Update Accomplishment Report.

Exhibit 1 – WWVMPO/SRTPO Title VI Notice to the Public

WWVMPO/SRTPO hereby gives public notice that it is the Organization'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, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which WWVMPO/SRTPO 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 WWVMPO/SRTPO. Any such complaint must be in writing and filed with the WWVMPO/SRTPO Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the WWVMPO/SRTPO Office, on the website at <http://wwwmpo.org/plans--programs.html> at no cost to the complainant, by calling Tom Glover at (509) 524-2621, or by faxing to (509) 876-8003.

Exhibit 2 – WWVMPO/SRTPO Title VI Assurances

The WWVMPO/SRTPO in the State of Washington, (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and 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—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:
WWVMPO/SRTPO in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d--42 and 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 issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.
3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall 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 shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, 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, of 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

Exhibit 2A

1 – Title VI Assurances For Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers

WWVMPO/SRTPO will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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. Nondiscrimination.

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 WWVMPO/SRTPO 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 WWVMPO/SRTPO, 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, WWVMPO/SRTPO 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:

- a) Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- b) 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 WWVMPO/SRTPO or the U.S. Department of Transportation, 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 WWVMPO/SRTPO enter into such litigation to protect the interests of the Organization and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Exhibit 2B - Granting and Habendum Clauses

*When WWVMPO/SRTPO is the recipient of real property, structures or improvements thereon, or interest therein **from** the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:*

GRANTING CLAUSE

NOW, THEREFORE, WWVMPO/SRTPO, as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of 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 WWVMPO/SRTPO 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 WWVMPO/SRTPO, 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 the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on WWVMPO/SRTPO, its successors, and assigns.

WWVMPO/SRTPO, 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 shall on the grounds of race, color, sex, 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)1 (2) that WWVMPO/SRTPO, shall use the 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, Nondiscrimination of Federally assisted programs of the Department of Transportation - - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall 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.

Exhibit 2C - Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by WWVMPO/SRTPO pursuant to the provisions of Title VI Assurances, item 7:

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the Organization shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by WWVMPO/SRTPO pursuant to the provisions of Title VI Assurances, item 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation --Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Organization shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

1 Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of Civil Rights Act of 1964.

Exhibit 3 – WWVMPO/SRTPO Title VI Complaint Form

Exhibit 4 – Demographic Maps to Identify Planning and Project Considerations