Title VI Program Plan for Agencies
Over 100,000 Population

City of Spokane

Federally Funded Transportation Program
TITLE VI PROGRAM PLAN

February, 2020

Nadine Woodward
Mayor

Wesley Crago
City Administrator

Kyle Twohig
Engineering Operations Manager

Craig Meidl
Chief of Police

Prepared by: Jennifer Saxon
Human Resources Analyst
(Title VI Coordinator)
Human Resources Department

Title VI Program Plan - Large Agency (Population over 100,000)

I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

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

In accordance with the FMCSA, the City also assures that no person shall not be discriminated against on the grounds of low income or low English proficiency (LEP).

In the event the City of Spokane distributes Federal aid funds to another entity, the City of Spokane will include Title VI Program language in all written agreements and will monitor for compliance.

Title VI Program compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Spokane City Council pursuant to its budgetary authority and responsibility. The City Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy in coordination with affected City of Spokane personnel, the signed Title VI Program Assurances and with Title VI and related Nondiscrimination authorities, including the requirements of 23 Code of Federal Regulation (CFR) Part 200, 49 CFR Part 21, and 49 CFR Part 303.

The City of Spokane, 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 related Nondiscrimination authorities , hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award

Wesley Crago, City Administrator

11 FEB 2020
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, or national origin 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.

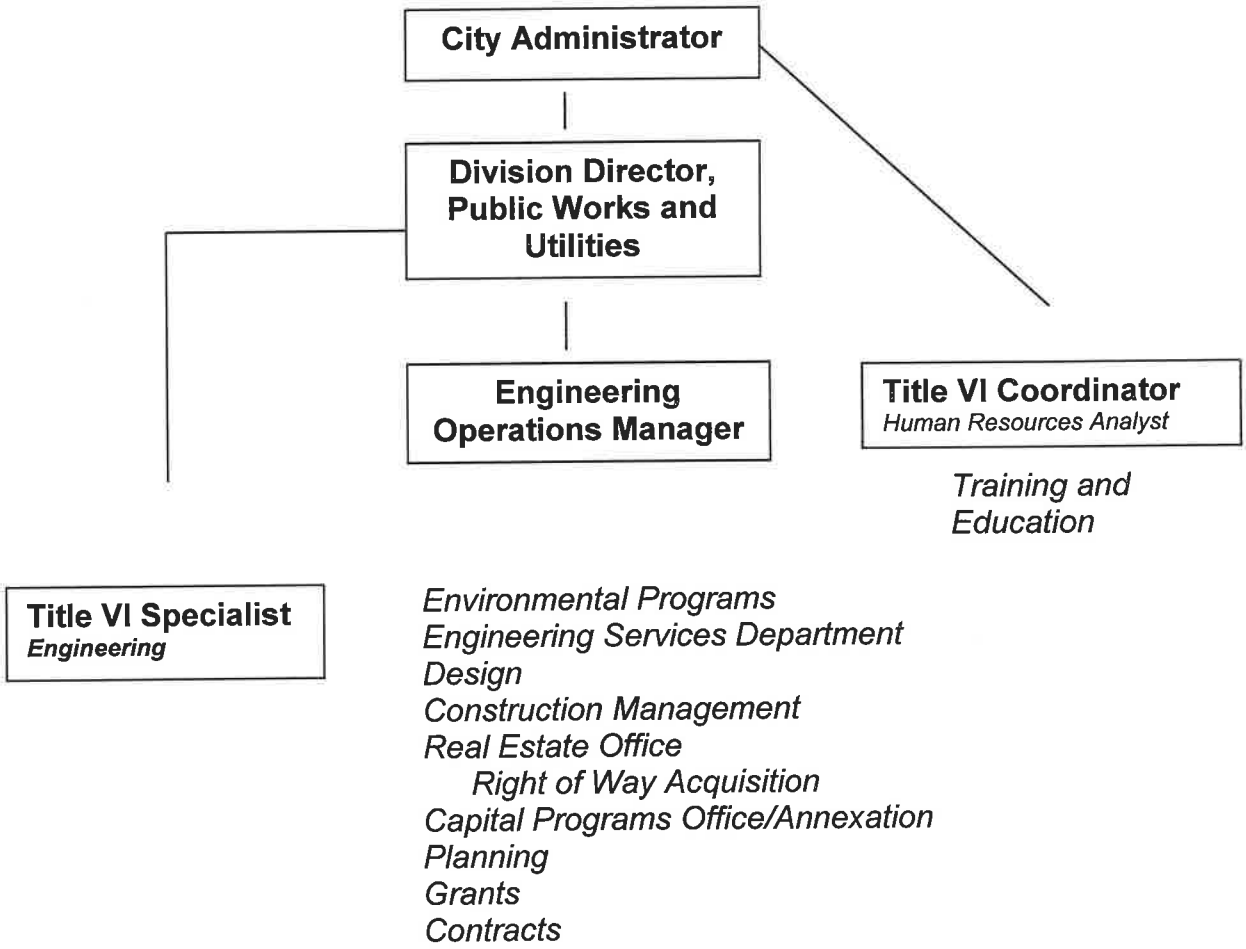
The Civil Rights Restoration Act of 1987 and other non-discrimination requirements, including The Age Discrimination in Employment Act of 1975 (ADEA), and Section 504 of the Rehabilitation Act of 1973, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs 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 1050.2A; EO 12250; EO 12898; EO 13166; 28 CFR 50.3

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships for Engineering Operations
TITLE VI Reporting Structure
November, 2017



B. Staffing and Structure for Engineering Programs

City Administrator

The City Administrator is authorized to ensure compliance with provisions of the City's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The City's grants compliance function and Title VI coordination shall be performed under the authority of the City Administrator.

Title VI Coordinator

The City of Spokane has assigned the duties of the Title VI Coordinator to a Human Resources Analyst to ensure implementation of the City's Title VI Federally Funded Transportation Program. The Human Resources Analyst has significant other duties and

responsibilities in addition to Title VI. Although the Title VI Coordinator reports to the Director-Human Resources, this position shall have an indirect reporting relationship and access to the City Administrator.

Title VI Specialists (if applicable)

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

Title VI Specialists 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. Specialists will work with the Coordinator to:

- Ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients.
- Obtain statistical data on race, color, national origin, disability, and sex and for FMCSA age, income-status and Limited English Proficiency (LEP) of participants in, and beneficiaries of federally funded City of Spokane transportation programs.

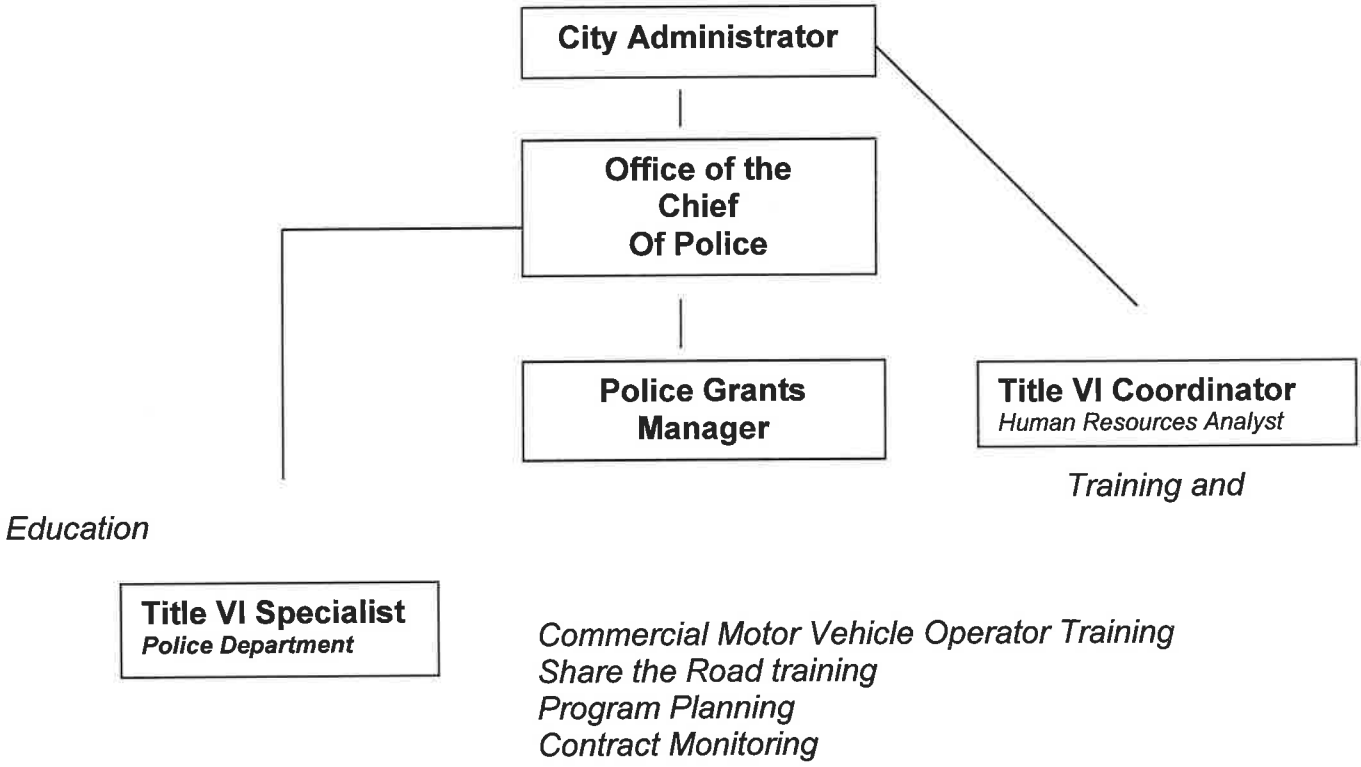
Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

C. List Title VI Specialists and their Official Job Title

Capital Programs/Annexation	Capital Programs/Annexation Manager
Engineering Service	Office Manager
Design	Office Manager
Construction	Engineering Construction Manager
Planning	Planning Manager
Environmental Services	Environmental Services Manager
Real Estate	Office Manager

D. Organizational Chart – Reporting Relationships for FMCSA-Funded Police Department Operations

TITLE VI Reporting Structure
November, 2017



E. Staffing and Structure

City Administrator

The City Administrator is authorized to ensure compliance with provisions of the City's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200, 49 CFR Part 303, and 49 CFR Part 21. The City's grants compliance function and Title VI coordination shall be performed under the authority of the City Administrator.

Title VI Coordinator

The City of Spokane has assigned the duties of the Title VI Coordinator to a Human Resources Analyst to ensure implementation of the City's Title VI Federally Funded Transportation Program. The Human Resources Analyst has significant other duties and responsibilities in addition to Title VI. Although the Title VI Coordinator reports to the Director-Human Resources, this position shall have an indirect reporting relationship and access to the City Administrator.

Title VI Specialists (if applicable)

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

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

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

Each of the Specialists 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.

F. **List Title VI Specialists and their Official Job Title** – Spokane Police Department

Capital Programs Monitoring	Administrative Captain
Police Department Services & Program Design	Administrative Sergeant
Grant Expenditures Monitoring	Department Accountant

III. Title VI Program Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the City Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Spokane'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 City Administrator and Director of OBIS.

B. Complaints.

Review written Title VI complaints that may be received by the City 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 Specialists annually to ensure sufficiency of data for meeting the requirements of appropriate 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 Public Works (PW) 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 City 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 City's Transportation Program, Title VI Plan as needed or required. Present updated plan to the City Administrator for approval; submit amended Plan to WSDOT.

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

H. Public Dissemination/Notification to Beneficiaries & Participants.
Work with City staff to develop and disseminate Title VI program information to City employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public, including posting it to the City's website at https://my.spokanecity.org/administrative/title-vi/. Public dissemination may include postings of official statements, inclusion of Title VI Program language in contracts or other agreements, website postings, posting Appendix 5 City of Spokane Title VI Program Notice to the Public in publically-accessed facilities, and annual publication of the City's Title VI Program Policy Statement to City employees. 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. Public notice of the Title VI Program Rights posted (Appendix 5) has been posted in all publicly-accessed facilities.

- Alternate forms of communication are available upon request.

I. Elimination of Discrimination.

Work with the Public Works Department, the Police Department, the Mayor's Office, and other City offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any City processes.

J. Maintain Legislative and Procedural Information.
Federal laws, rules and regulations, WSDOT guidelines, the current City of Spokane Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the City's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other City departments or the public as requested or required.

Commitment to Provide Documentation to FMCSA

The City of Spokane commits to providing requested documentation to FMCSA during normal business hours within a reasonable timeframe.

IV. Department of Transportation and Title VI Program Training

In keeping with adopted City of Spokane policy of nondiscrimination, departmental procedures will be established or followed for Public Works and Police Department employees to have equal access to applicable educational and training opportunities. Departmental staff will maintain program administration documentation and data necessary for preparation of annual Title VI Program reports, and will routinely provide 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 City employees. The Director of the Division of Public Works and Utilities and the Office of the Chief of Police will each 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, division, sex and ethnicity for use in completing the annual Title VI Accomplishment Report.

B. Title VI Program Training
The Coordinator is responsible for overall Title VI Program related training and staff development for Title VI Specialists and other City 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 may be asked to provide applicable training.

C. Selection of Instructors
The Coordinator will collaborate with the City's Purchasing Division to ensure City policy is followed in the selection of instructors for Public Works training courses/ workshops, and

ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the City will provide accessibility to Minority/Women/Disadvantage Business Enterprise consulting and training firms to compete for training contracts. Note that FMCSA is not named in 49CFR Part 26 (USDOT's DBE Program) and therefore does not have a DBE program. This stipulation does not apply to FMCSA Program related contracting opportunities.

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, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, and related Nondiscrimination authorities relating to any program or activity administered by the City, 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 City 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 the Human Resources Department. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The City will not officially act or respond to complaints made verbally.

2. Upon receiving the written complaint, the City will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the City may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity to conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.

3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the City the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.

4. Once the City 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, disability, age or sex and for FMCSA, income-status and LEP.

5. In cases where the City assumes investigation of the complaint, the City 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 City with his/her response to the allegations.

6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the Engineering Services Director or the Chief of Police and City Administrator. 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 departmental 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 the City's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the resolution of the complaint. For FMCSA funding opportunities, the City will maintain a Complaint Log and respond to compliance reviews and requests for complaints and case files as directed by the FMCSA. This includes requests for complaint files that the City has reviewed but the complainant also filed a complaint with FMCSA.

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 City's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. There are no appeal rights associated with complaints filed under FMCSA funding opportunities, however the complainant may file a separate complaint with FMCSA. 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 agency. 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 agency is allowed to investigate a complaint against itself except under FMCSA programs where the City is expected to dispose of all complaints filed with the City even if the charge of discrimination is directed at the City.

VI. Sub-Recipient Review and Remedial Action Procedures

A. PUBLIC WORKS DEPARTMENT

1. Title VI Review of Sub-recipients of Federal-Aid Highway Funds.
Public Works Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Public Works Department staff will review select recipients of federal-aid highway or other federal funds, to ensure adherence to Title VI requirements (see Section VII). The Public Works Department 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.

2. Post-Grant Reviews.
The Coordinator will collaborate with Public Works Department 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.

3. Remedial Action.
When irregularities occur in the administration of federal-aid highway programs at either the City or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The City will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the City will reduce to writing any recommended remedial action agreed upon by the City 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, the City will submit to WSDOT 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, the City and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR Part 21.

B. SPOKANE POLICE DEPARTMENT

1. Title VI Program Review of Sub-recipients of Funds.
There are no sub-recipients that receive FMCSA funding under this grant. In the event that the City does sub-award FMCSA funds in the future, Police Department Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI Program compliance reviews. Police Department staff will review select recipients of federal-aid highway or other federal funds, to ensure adherence to Title VI Program requirements (see Section VII). The Police Department will work cooperatively to periodically confirm operational guidelines provided to sub-recipients, including requiring the submittal of a signed Title VI Program Assurance and supporting compliance report, provisions, and related requirements, as applicable.

2. Post-Grant Reviews.
There are no contractors or sub-recipients that receive FMCSA funding under this grant. However, the Coordinator will collaborate with Police Department staff to conduct periodic post-grant to ensure expenditures adhere to Title VI Program requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to sub-recipients include Title VI Program language and provisions and related requirements, where applicable.

3. Remedial Action.
When irregularities occur in the administration of FMCSA programs at either the City or sub-recipient levels, corrective action will be taken to resolve identified Title VI Program issues. The City will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI Program compliance reviews, the City will reduce to writing any recommended remedial action agreed upon by the City 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, the City will submit to WSDOT and FMCSA 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, the City and WSDOT may, with FMCSA's concurrence, initiate sanctions per 49 CFR Part 21.

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. Planning Process.
The Engineering Department has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient

transportation services to City citizens. The City Engineering Services Director annually updates and coordinates the City's six-year plan for transportation improvement programs and projects. The update also informs others of the City jurisdictions of 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 various divisions in the department, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.

2. Authorities. Spokane Municipal Code; 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) Engineering 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, meetings will be conducted in a variety of community buildings throughout the City, 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.

B. Consultant Contracts Activities

1. Consultant Contracts Administration.
The Public Works Department is responsible for recommending consultant firms to appropriate City departments for final selection, negotiation and award. The Public Works Department administers awarded consultant contracts.

2. Authorities.
Spokane Municipal Code; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172

3. Consultant Selection Process.
Engineering staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or

SEPA documents for public works projects. Consultant selection from the certified list maintained by the Engineering Division adheres to Washington State regulations (RCWs) and is consistent with City vendor policies.

4. Title VI Assurances and Provisions

a) Include applicable Disadvantaged Business Enterprise (DBE) and Women Business Enterprise (WBE) goals in designated projects, and seek to proactively achieve the goal(s).

b) Include Title VI assurance and provision language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.

c) Engineering Services 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.

C. Design & Engineering / Environmental Activities

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

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

3. Design /Environmental Review Process and Title VI

a) Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.

b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the City's Federal-aid highway activities.

c) In order to ensure dissemination of information and foster participation from affected populations, the Engineering Services staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.

d) Engineering Services staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

e) Engineering Services staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the City GIS Department to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.

D. Right-of-way Activities

1. Real Estate Office.
The Real Estate Office manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management. The Real Estate Office is located in the Engineering Services Department.

2. Authorities.
Right of Way Manual; 23 CFR 130; 49 CFR 24; RCW Chapter 47; WAC 468.100

3. Right-of-way Activities and Title VI

a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted City vendor procurement policies in the acquisition of contracted services.

b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.

c) Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.

d) Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding

negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT and a copy of the City's Title VI Compliance brochure to all affected parties.

e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.

f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.

g) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.

h) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by Federally-funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. Construction Management Office.
This section is located in the Engineering Services Department, and is responsible for administration of all new construction contracts and inspecting bridges. The Public Works Department is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the City Engineer.

2. Authorities.
Construction Manual M41-01; Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction

3. Maintenance.
The Public Works Department is responsible for the efficient program for maintaining City roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.

4. Authorities.
Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); Clark Agency Road Standards

5. Construction and Maintenance Activities and Title VI

a) Review all federally funded projects for application of DBE/WBE goals. As appropriate, include DBE/WBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the City's Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 14-15) herein.

b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE/WBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE/WBE subcontracts and vendors.

c) Ensure that prime contractors with DBE/WBE requirements award contracted work to qualified DBEs which perform commercially useful functions.

d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.

e) Coordinate the gathering of maintenance and construction information regarding DBE/WBE participation for the Annual Title VI Report; and provide to the Coordinator.

E. Description of Federal-Aid Programs: Police Department Activities

1. Police Grants Management Office.
This section is located in the Police Department, and is responsible for administration of all activities funded solely or in part by DOT grants. The Office of the Police Chief is responsible for oversight and the administration of those projects, as set forth by policy decisions and supervision of the Chief of Police.

2. Authorities.
Spokane Municipal Code
Spokane City Charter

3. Funded Activities.
The Police Department is responsible for the efficient and effective funding of programs designed to improve the movement of commercial vehicles through City streets. This includes educating the public on safe-driving procedures when in the vicinity of a commercial vehicle as well as educating commercial vehicle operators on the safest and most expedient routes of travel on City streets.

4. Police Department Activities and the Title VI Program

There are no sub-recipients that receive funding under this grant. However, should the need exist, the Police Department and the contractor will complete the items in a) through e) below as appropriate. If there are contractors receiving funds from an FMCSA grant, the contractor may not discriminate the portion of contracted work with another contractor. There is one contract receiving funds from this grant that prepares and provides media public safety advertising spots that are used by the media.

a) Include Title VI language in bid announcements (Paragraph #2 at the bottom of Page #2 and the top of Page #3 of the signed FMCSA Title VI Program Assurance) and applicable contracting documents, as stipulated in the City's Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 16-17) herein.

b) Award construction contracts on the basis of lowest responsive bidder.

City of Spokane FMCSA Title VI Program Assurances

The City of Spokane 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, including funding through the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Aid Highway Fund, is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964, (42 USC 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, or national origin).
- Federal Aid Highway Act of 1973 (23 USC 324 *et seq.*), (prohibits discrimination on the basis of sex).
- Title IX of the Education Amendments of 1972, as amended, (20 USC 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities).
- Section 504 of the Rehabilitation Act of 1973, as amended, (29 USC 794 *et seq.*) (prohibits discrimination on the basis of disability).
- The Age Discrimination Act of 1975, as amended, (42 USC 6101 *et seq.*) (prohibits discrimination on the basis of age).
- Americans with Disabilities Act of 1990, as amended, (42 USC 12101 *et seq.*) (prohibits discrimination on the basis of disability.)
- 49 CFR 21, 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.*
- 49 CFR 27 (entitled *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance).*
- 49 CFR 28 (entitled *Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation).*
- 49 CFR 37 (entitled *Transportation Services for Individuals with Disabilities (ADA)).*
- 49 CFR 303 (FMCSA's Title VI/Nondiscrimination Regulation).
- 28 CFR 35 (entitled *Discrimination on the Basis of Disability in State and Local Government Services).*
- 28 CFR 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 "Acts" and "Regulations" respectively.

Although not applicable to the City directly, there are certain Executive Orders (EO) and relevant guidance that direct actions by federal agencies regarding their federally assisted programs and activities to which compliance is required by the City of Spokane to ensure federal agencies carry out their responsibilities.

- EO 12898, 3 CFR 859 (1995), entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* emphasizes that federal agencies should use existing laws to achieve environmental justice, in particular Title VI, to ensure nondiscrimination against minority populations. The City is aware that certain Title VI matters raise environmental justice concerns and further understands that FMCSA that the City evaluates and revises existing procedures as appropriate to address and implement environmental justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm.

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

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, 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, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of 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 hereby gives the following specific assurances to its Federal Aid Highway Program and/or federally assisted FMCSA programs:

1. That the City agrees that each "program", "activity" and "facility" as defined in Subsections 21.23 (b) and 21.23(c) of 49 CFR 21 will be (with regard to a "program") conducted, will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Acts and he Regulations.

2. That the City 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 the Federal Aid Highway Program and/or FMCSA Program and in adapted form in all proposals for negotiated agreements regardless of funding source:

> The City of Spokane, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC 2000d to2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income level or LEP in consideration for an award.

3. The City will insert the clauses of Appendix 1A or 1B and Appendix 4 of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The City will insert the clauses of Appendix 2A or 3A, as appropriate, of this Assurance, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, use, or improvements thereon, or interest therein to a recipient.

5. That where the City 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 City 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 City will include the appropriate clauses set forth in Appendix 2D of this Assurance, as a covenant
running with the land, in any future deeds, leases, permits, licenses, or similar agreements entered into by the City 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 City 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 City 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 City 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 City agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this Assurance, the City also agrees to comply with, and require any recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors and or assigned to comply with all applicable provisions governing the FMCSA or other appropriate agency access to records, accounts, documents, information, facilities and staff. The City also recognizes that compliance with any program or compliance reviews and/or complaint investigations conducted by the FMCSA or other appropriate agency. The City acknowledges it must maintain records and reports and submit the material for review upon request to FMCSA, other appropriate agencies or designees in a timely, complete and accurate way. Additionally, the City will comply with all other reporting, data collection and evaluation requirements as prescribed by law or detailed in program guidance.

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 City by the U.S. Department of Transportation under the Federal Motor Carrier Safety Administration and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, transferees, and successors in interest and any other participants in the Federal Motor Carrier Safety Administration Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the City.

Wesley Crago
City Administrator

11 FEB 2020
Date

APPENDIX 1A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX 1B

Title VI Program Assurances for Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers

The City of Spokane 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, national origin, age or disability 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 49 CFR 21. In addition for those contracts received under Federal Motor Carrier Safety Administration (FMCSA), The City will not discriminate on the basis of income level or low English proficiency.

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, national origin, age and disability, and including the obligations related to nondiscrimination on the basis of income level or low English proficiency for solicitations under the auspices of the FMCSA.

4. Information and Reports.
The contractor shall provide all information and reports required by the Acts and 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 the City or the Washington State Department of Transportation or the FMCSA, as appropriate, to be pertinent to ascertain compliance with such Acts, 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 the City, or the Washington State Department of Transportation or the FMCSA 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, the City shall impose such contract sanctions as it and the Washington State Department of Transportation, the Federal Highway Administration or FMCSA 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 Acts, the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the City or the U.S. Department of Transportation, Federal Highway Administration, of FMCSA 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 the City enter into such litigation to protect the interests of the City. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX 2A

Granting and Habendum Clauses - FMCSA Programs

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon in accordance with the State of Washington, the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program,** and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Recipient 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 the Recipient, its successors and assigns.

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

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

APPENDIX 2B

Clauses For Transfer Of Real Property Acquired Or Improved Under The Activity, Facility Or Program – FMCSA Programs

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient 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 Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Recipient will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Recipient will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Recipient and its assigns.*

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

APPENDIX 2C

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Recipient will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Recipient will there upon revert to and vest in and become the absolute property of Recipient and its assigns.*

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

APPENDIX 3A

Granting and Habendum Clauses USDOT Programs

When the City 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, the City of Spokane, 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 the City of Spokane 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 the City of Spokane, 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 the City of Spokane, its successors, and assigns.

The City of Spokane, 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 the City of Spokane, 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.

APPENDIX 3B

Lease/Deed Provisions – USDOT Programs

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 the City of Spokane pursuant to the provisions of Title VI Assurances, item 7(a):

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:

1. 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, facility, 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 Acts and of Federal Regulations, as may be amended, such that no person on the grounds of race, color, national origin, sex, age, disability, income level or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

With respect to licenses, leases, permits, etc., that in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease, and to enter, reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease, and to enter, reenter and repossess said land and the facilities thereon, and hold the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City and its assigns.

---

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.

APPENDIX 4

Lease/Deed Provisions – USDOT Programs

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 the City of Spokane pursuant to the provisions of Title VI Assurances, item 7(b):

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 (1) no person on the grounds of race, color, national origin, sex, age, disability, income level or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon no person on the grounds of race, color, national origin, sex, age, disability, income level or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination,(3) that the lessee 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 Licensee, in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease, and to enter or reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the City shall there upon revert to and vest in and become the absolute property of the City and its assigns.*

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

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

APPENDIX 4

Nondiscrimination Statutes and Authorities

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), ("*....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq), as implemented by 49 C.F.R. § 25.1 et seq.

APPENDIX 5

City of Spokane Title VI Program Notice to the Public

The City of Spokane hereby gives public notice that it is the City'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 Nondiscrimination authorities in all programs and activities. The Title VI Program requires that no person shall, on the grounds of race, color, sex, or national origin and under the FMCSA Program age, disability, income status, and limited English proficiency (LEP) be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program, FMCSA Program or other activity for which the City of Spokane receives Federal financial assistance.

Any person who believes they have been aggrieved has a right to file a formal complaint with the City. Any such complaint must be in writing and filed with the City Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Program Discrimination Complaint Forms may be obtained from the Human Resources office at no cost to the complainant by calling (509) 625-6363 or access the Form on the City's website at https://my.spokanecity.org/accessibility/. For more information regarding the Title VI Program, please call (509) 625-6363 or access the City's website at https://my.spokanecity.org/accessibility/.

APPENDIX 6

Status of Corrective Actions Implemented by the City of Spokane to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

FMCSA OCR or another Federal Agency has not previously identified and compliance issues on the part of the City of Spokane during a Title VI Program Compliance Review. Accordingly, the City of Spokane is not identifying any compliance deficiencies or providing updates regarding the progress made to develop and implement corrective actions to address deficiencies in this Title VI Program Plan. No copy of a compliance review conducted by another Federal Agency is provided, as no compliance deficiencies have been identified by another Federal Agency.

APPENDIX 7

Community Participation Process

The City of Spokane does not conduct motorist licensure and/or motor vehicle registration activities/services. Therefore, this section does not apply to the City of Spokane.