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**Snohomish County  
Federally Funded  
Transportation Program**

**TITLE VI Plan**

**UPDATED April 30, 2019**

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Snohomish County, through the County Executive and Public Works Department, Transportation Program, consistent with the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, hereby submits its revised and updated Title VI Plan dated April 2019.

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## I. Introduction

The Snohomish County Title VI Implementation Plan documents Snohomish County's roles, responsibilities and requirements under Title VI of the Civil Rights Act of 1964. Snohomish County, as a recipient of federal financial assistance, is required to comply with various nondiscrimination laws.

The Federal Highway Administration ("FHWA") and the Washington State Department of Transportation ("WSDOT") require recipients of federal-aid funds to prepare an Implementation Plan to clarify roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964, and subsequent statutes and regulations, state that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance. Pursuant to these laws, recipients of federal financial assistance must take affirmative steps to ensure that prohibited discrimination does not occur. To that end, Snohomish County is committed to:

- Create policies and procedures that support the development and implementation of a functional Title VI program.
- Ensure meaningful public participation in transportation decision-making.
- Prevent, minimize or correct high and adverse impacts resulting from Snohomish County's programs or activities.
- Ensure that our operations, benefits, and programs, are accessible to all of Snohomish County's customers/citizens.
- Provide language access services to LEP recipients where appropriate.

## II. Policy Statement, Authorities and Citations

### A. Policy of Nondiscrimination

Snohomish County assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964 (Public L. No. 88-352), as amended, and the Civil Rights Restoration Act of 1987 (Public L. No. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any County sponsored program or activity. Snohomish County 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 the event Snohomish County distributes Federal aid funds to another entity, Snohomish County 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. Responsibility for assuring compliance has been delegated to the County Executive by the Snohomish County Council pursuant to Snohomish County Code 2.10.010(27). Under this authority, the County Executive serves as the Agency Administrator for purposes of Title VI compliance. The Agency Administrator, Equal Employment Opportunity Office, and Transportation Program 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.

A copy of the complete and signed Title VI Policy of Nondiscrimination Statement is attached in **Appendix A** of this Plan.

### B. Authorities

Title VI of the 1964 Civil Rights Act provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 USC 2000d. The Federal Aid Highway Act of 1973 further prevents discrimination on the basis of sex. 23 USC 324.

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 L. No.100-259 [S. 557] March 22, 1988).

### C. Additional Citations

Additional authorities and citations include:

- Title VI of the Civil Rights Act of 1964 (Public L. No. 88-352), as amended, 42 USC 2000d, et seq.
- Civil Rights Restoration Act of 1987 (Public L. No. 100-259, 102 Stat. 28 (1988), also found at 42 USC 2000d et seq.)
- 42 USC 4601 to 4655

23 USC 109(h)  
23 USC 324  
DOT Order 1050.2A  
Executive Order 12250  
Executive Order 12898  
Executive Order 13166  
49 CFR 21  
28 CFR 50.3  
23 CFR 200

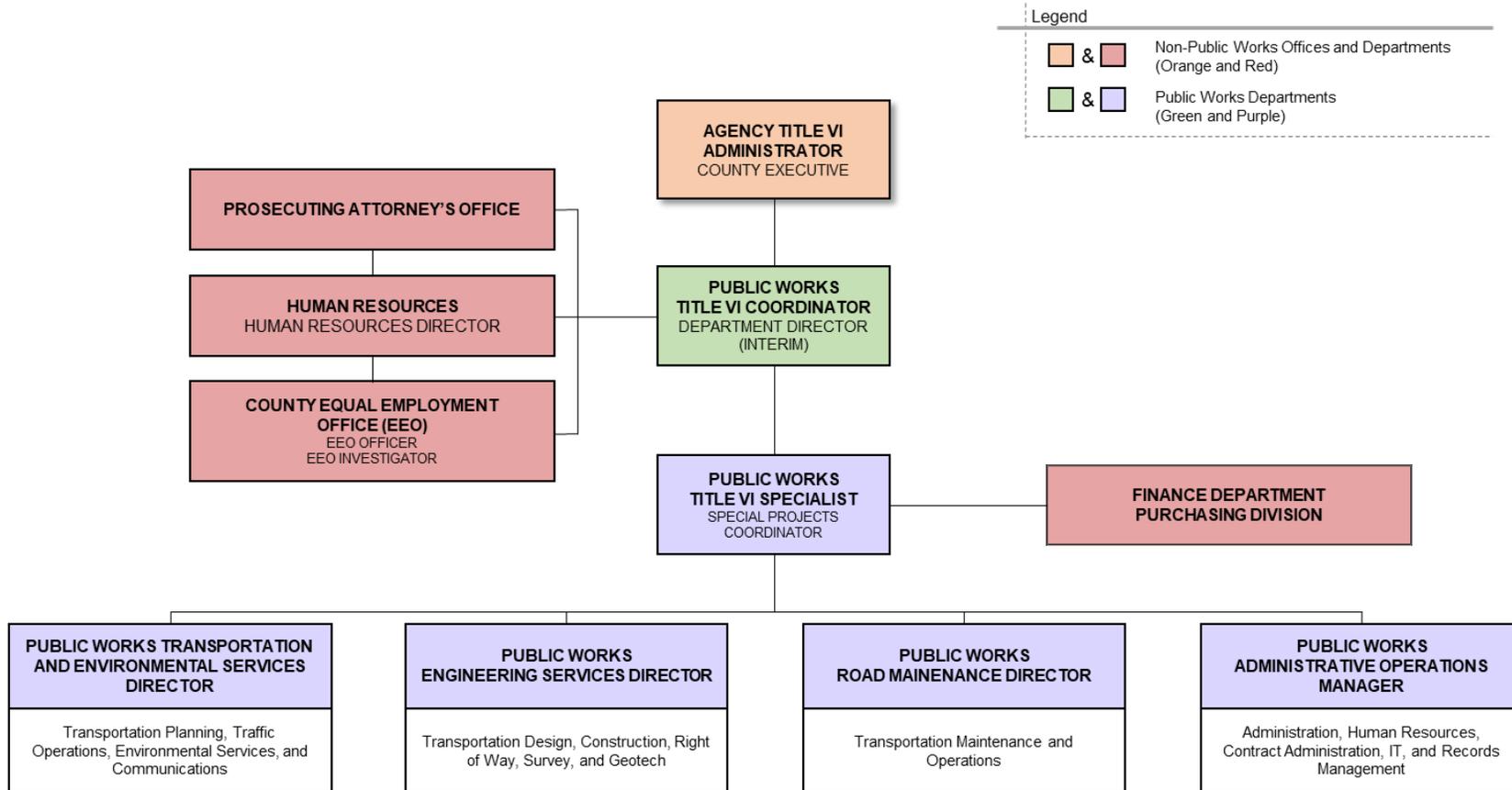
Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

### III. Organization, Staffing and Structure

#### A. Organizational Chart – Reporting Relationships

##### PUBLIC WORKS TRANSPORTATION PROGRAM TITLE VI ORGANIZATIONAL CHART

As of April 2019



## **B. Staffing and Structure**

### **1. Agency Administrator**

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

### **2. Title VI Coordinator**

The Snohomish County Executive has designated the County Engineer to perform the duties of the Title VI Coordinator for the County's Federally Funded Transportation Program. The County Engineer has other duties and responsibilities in addition to Title VI. Although the Director of Public Works is the County Engineer's direct supervisor, this position shall have an indirect reporting relationship and direct access to the Agency Administrator.

The Title VI Coordinator is responsible for identifying and eliminating discrimination when found to exist and for coordinating the overall administration of the Transportation Program Title VI Plan, including establishing, updating, and implementing the plan, programs and procedures; monitoring; data collection; training; and reporting. The Title VI Coordinator will also communicate and coordinate with the Washington State Department of Transportation (WSDOT), Federal Highway Administration (FHWA) and U.S. Department of Transportation (USDOT) as needed for Title VI compliance purposes. Additional Title VI Coordinator responsibilities are identified in Section III.

### **3. Title VI Specialists and Liaisons**

The County has designated Title VI Specialists (Specialists) for each of the Public Works Divisions primarily responsible for our Transportation Program, including our transportation special emphasis program areas.

- Transportation and Environmental Services Division (TES)
  - Program Planning
  - Traffic Operations
  - Communications
  - Environmental Services
  
- Engineering Services Division (ES)
  - Design
  - Construction
  - Right-of-Way
  
- Road Maintenance Division (RM)
  
- Administrative Operations Division (AdOps)
  - Administration/Human Resources
  - Contract Administration
  - Fiscal Management

The key programs or department areas noted above are subject to receiving Federal financial assistance through grants or other types of transportation related funding, or are responsible for implementing County directives and policies to ensure civil rights compliance and equal opportunity.

The Specialists shall work in concert with the Title VI Coordinator to ensure their respective divisions, sections, and programs comply with Title VI regulations and assurances.

- Public Works has also designated Title VI Liaisons (Liaisons) to assist the Specialists in transportation special emphasis program areas.
- The Title VI Coordinator has also assigned a Special Project Coordinator as a department-wide Title VI Specialist to assist him/her in coordinating development, implementation and compliance of the Title VI program within Public Works.

See **Appendix B** for a chart showing each Transportation Program Division, special emphasis program areas within those Divisions, and the names of current Specialists and Liaisons.

Title VI Specialists and Liaisons will:

- a) ensure we meet the applicable objectives of the Title VI Plan;
- b) work with the Title VI Coordinator, Public Works Contract Administration Section staff, and the County Purchasing Division to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under Federally funded projects or programs;
- c) ensure applicable Title VI provisions and requirements are included in contractual agreements with prime contractors and sub-recipients;
- d) work with each other, the Title VI Coordinator and the County Human Resources and Purchasing staff to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of, Federally funded Snohomish County transportation programs;
- e) maintain data relative to their respective special emphasis program area to help ensure we can meet applicable reporting requirements. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs; and
- f) provide adequate training opportunities for applicable staff as training opportunities are identified and available, and initiate training of staff when appropriate.

Public Works also includes the following Divisions that receive primarily non-transportation related or non-federal financial assistance: Solid Waste (SW) Division, and Surface Water Management (SWM) Division. The Title VI Coordinator and department Title VI Specialist also coordinate with and assist SW and SWM Division staff in Title VI related compliance work.

All Public Works management is responsible for identifying and eliminating discrimination when found to exist. They also work closely with our department Contract Administration staff and County Purchasing Division on any Public Works contracts with consultants, contractors, subcontractors, suppliers and manufacturers to assure every effort is made to ensure nondiscrimination in their programs and activities.

#### **4. Coordination with Other Key County Departments and Offices**

As shown on our Organizational Chart, the key County departments and offices that work with Public Works to support Title VI Compliance are:

- Human Resources Department, including its Equal Employment Opportunity Office
- Prosecuting Attorney's Office
- Finance Department, Purchasing Division
- Executive Office

The Title VI Coordinator, Specialists and Special Emphasis Program Area Liaisons will work closely with the County's Equal Employment Opportunity (EEO) Office and the Prosecuting Attorney's Office on any discrimination complaints, and with the County's Purchasing Division on purchasing procedures and full and equal opportunity to participate in the competitive process. Public Works will also work with our Executive Office as appropriate based on unique program or project details.

## IV. Title VI Plan Implementation and Program Administration

### Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Snohomish County's compliance with Title VI requirements for the Public Works Transportation Program 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 Agency Administrator and the Public Works Director.

#### B. Complaints

Work with the County Equal Employment Opportunity Office, Prosecuting Attorney's Office and, as appropriate, with WSDOT to ensure all Title VI complaints occurring within Snohomish County Public Works' Federal-aid transportation program or its activities are investigated following the County's Title VI Complaint Procedures (see Section V. Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level. Respond to Title VI inquiries and complaints, including providing notice to the public. See **Appendix C** for a copy of the Snohomish County Title VI Notice to the Public.

#### C. Data Collection

Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. See Section VII. Implementation Activities in Special Emphasis Program Areas.

#### D. Environmental Impact Statements

Depending on the nature and scope of environmental issues included, ensure that available, useful and relevant U.S. Census and/or American Community Survey data are considered in the preparation of Environmental Impact Statements/Assessments (EIS/EA) for Public Works programs or projects receiving Federal Highway Administration or other Federal assistance. See Section VII. Implementation Activities in Special Emphasis Program Areas for more details.

#### E. Training Program

Conduct or facilitate training on Title VI issues and regulations for County employees, including Title VI Specialists and special emphasis program area Liaisons; and facilitate Title VI training for County Transportation Program contractors and sub-recipients. A summary of training conducted will be reported in the annual Title VI accomplishment and updates reports.

**F. Title VI Plan Update**

Review and update the Snohomish County Transportation Program Title VI Plan as needed or required. Present the updated plan to the Agency Administrator for approval; submit amended Plan to WSDOT.

**G. Annual Accomplishment and Update Report.**

Prepare an annual report of Title VI accomplishments and changes to the program; identify goals and objectives for the upcoming year as required; and submit an annual report to WSDOT each year.

**H. Public Dissemination**

Work with County staff to develop and disseminate Title VI program information to Snohomish County Public Works 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, internal SharePoint and external website postings, and annual publication of the County's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted regarding proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media, or mailings reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

**I. Elimination of Discrimination**

Work with the Snohomish County Equal Employment Opportunity Office, Human Resources Department, Prosecuting Attorney's Office, and County Purchasing Division to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any County processes.

**J. Maintain Legislative and Procedural Information**

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

## **V. Title VI and Related Nondiscrimination Training**

In keeping with adopted Snohomish County policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable Title VI related educational and training opportunities. Public Works Title VI Specialists and Liaisons 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. Title VI Training and Related Nondiscrimination Training**

The Title VI Coordinator is responsible for overall Transportation Program Title VI Plan training and staff development for Title VI Specialists and Liaisons and other County employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and/or facilitate Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and other qualified professionals may be asked to provide applicable training.

The County's Human Resources Department, EEO Office, and/or Public Works may offer other non-discrimination related training each year. Public Works will collect employee attendance statistics to include in the annual Title VI accomplishment report.

### **B. National Highway Institute (NHI) Education**

With the exception of one class in 2017, in recent years, the County has been unaware, and not notified, of any Title VI nondiscrimination training by the National Highway Institute. If the Title VI Coordinator is notified such training becomes available in the future, the Coordinator will coordinate with other Public Works management to 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.

### **C. Selection of Instructors**

As needed, the Title VI Coordinator will collaborate with the Snohomish County's Purchasing Division to ensure Snohomish County policy is followed in the selection of instructors for training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the County will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

## **VI. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities**

### **A. Overview**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, or under Executive Order 12898 on Environmental Justice, or under any related statutes and regulations, relating to any program or activity administered by the Snohomish County Department of Public Works or its sub-recipients, consultants, and/or contractors. The Snohomish County Department of Public Works is responsible for ensuring that all Title VI discrimination complaints occurring within the Federal-aid transportation program or its activities are investigated. If a complaint is against the Department of Public Works, the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity (OEO) will investigate the complaint.

Intimidation or retaliation of any kind is prohibited by law.

### **B. Procedures**

#### **1. Instructions to Claimants**

Please submit your complaint within 180 calendar days of the alleged occurrence or from when the alleged discrimination became known to you.

Please use the Snohomish County Department of Public Works Title VI Complaint Form and submit it to:

Snohomish County  
Department of Public Works  
Attention: Title VI Coordinator  
3000 Rockefeller  
Everett, WA 98201

Form available via Public Works Title VI  
Website  
(<http://www.snohomishcountywa.gov/2028/Title-VI>)  
Or call 425-388-6660 (TTY: 711)

Or via E-Mail ([spw-titlevi@snoco.org](mailto:spw-titlevi@snoco.org))

#### **2. Processing of Complaints**

- a) Upon receipt of the complaint, the Title VI Coordinator will determine whether the Snohomish County Department of Public Works has jurisdiction over the complaint, the acceptability of the complaint, whether additional information is needed, and the Title VI Coordinator may investigate the merit of the complaint.
- b) The Title VI Coordinator will send the Complainant a written notice of receipt of the complaint within five (5) working days from receipt of the complaint, and will forward a copy of the complaint to the Snohomish County Equal Employment Opportunity (EEO) Office.

- c) A complaint may be dismissed for the following reasons:
  - (1) The Complainant requests withdrawal of the complaint.
  - (2) The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - (3) The Complainant cannot be located after reasonable attempts.
- d) If the complaint is against the Snohomish County Department of Public Works, the complaint will be forwarded and referred to the WSDOT Office of Equal Opportunity (OEO) for proper disposition pursuant to its Title VI complaint procedures.
- e) The Snohomish County Department of Public Works will assume jurisdiction and will investigate, in consultation with the County's EEO Officer/EEO Investigator and the Prosecuting Attorney's Office, any complaints against one of the Department of Public Works' sub-recipients of federal funds.
- f) In cases where the Snohomish County Department of Public Works conducts the investigation (vs. WSDOT), the Title VI Coordinator or EEO Officer/EEO Investigator will provide the respondent with the opportunity to respond in writing to the allegations made in the complaint. The respondent will have 10 working days from receipt of notification to provide a response to the allegations.
- g) Once an investigative report and its findings are finalized by Snohomish County Department of Public Works, the County's EEO Officer, EEO Investigator and Prosecuting Attorney's office for review by WSDOT, a copy will be forwarded to WSDOT's OEO within 60 calendar days of acceptance of the complaint. WSDOT's OEO will share the report with FHWA as part of its Annual Title VI Update and Accomplishment Report.
- h) The Snohomish County Department of Public Works will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to the Snohomish County Department of Public Works based on the Department of Public Works' investigative report.
- i) Once WSDOT's OEO issues its final decision, the Department of Public Works will notify all parties involved about such determination.
- j) **Appeals:** If the Snohomish County Department of Public Works conducts the investigation and a party is not satisfied with the outcome, the party may appeal to WSDOT pursuant to WSDOT's procedures. Contact WSDOT's OEO at 360-705-7090 for information on their most current appeal procedures and any time limits for bringing an appeal. All findings from state or local investigations are preliminary and subject to the concurrence of the Federal Highway Administration (FHWA). FHWA will render final decisions in all cases including those investigated by

WSDOT. The FHWA does not provide any additional administrative appeal forums in Title VI complaints. Once the FHWA issues its final agency decision, a party in disagreement with such determination may file an appeal with the appropriate U.S. District Court.

These procedures do not deny the right of the complainant to file formal complaints with other local, state or federal agencies, or to seek legal counsel for complaints alleging discrimination. These procedures are part of an administrative process and remedies do not include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator or EEO Officer/EEO Investigator may be utilized for resolution.

**3. KEY DEFINITIONS for these specific procedures:**

Aggrieved Party – a person with a legally recognized interest who claims they were discriminated against.

Complainant – a person who brings forth or makes the Title VI complaint. A complainant does not have to be the same person as the aggrieved party.

Respondent – a person who allegedly did the discriminatory act or actions and who responds to the complaint, or someone who acts on their behalf to respond to the complaint.

**4. Internal Public Works administrative procedures include:**

- a) Upon receipt of the complaint, the Title VI Coordinator or her or his designee will enter the complaint information into the annual Log of Complaints.
- b) Each complaint will be assigned a Case Number.
- c) The Log of Complaints will contain:
  - (1) The name and address of the person filing the complaint
  - (2) The date of the complaint
  - (3) The basis of the complaint
  - (4) The disposition of the complaint
  - (5) The status of the complaint

## **VII. Sub-Recipient Review and Remedial Action Procedures**

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

Title VI Specialists and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Snohomish County staff will review select recipients of Federal-aid highway or other Federal funds to ensure adherence to Title VI requirements. Title VI Specialists and Liaisons will work cooperatively, and with the County's Purchasing Division, 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 County 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. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language, provisions and related requirements, where applicable.

### **C. Remedial Action**

When irregularities occur in the administration of Federal-aid highway programs at either the County or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Snohomish County will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Snohomish County will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the County will reduce to writing any recommended remedial action agreed upon by the County and sub-recipient, and provide a copy of the letter within a period not to exceed 90 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, Snohomish County 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 by the Title VI Coordinator 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, Snohomish County and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

## VIII. Implementation Activities in Special Emphasis Program Areas

### A. Planning, Traffic, Communications, and Environmental Services

#### 1. Planning: TES – Program Planning Section

The Transportation and Environmental Services Division (TES) Program Planning Section has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to County citizens. TES annually updates and coordinates Snohomish County's six-year plan for transportation improvement programs and projects (i.e., the Transportation Improvement Program (TIP)). The update also informs other Snohomish County jurisdictions 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 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. TES also works with other Public Works Management to implement the County's Annual Construction Program.

- a) Program Planning and Title VI Responsibilities
  - (1) Coordinate with other Public Works Divisions and Sections, other local, state and federal agencies, regional organizations, and the public in addressing transportation in Snohomish County. Staff will take into account demographic statistics and Environmental Justice (EJ) considerations when evaluating transportation improvement programs and projects, in coordination with the Title VI Coordinator, communications, environmental, and other department staff.
  - (2) Program Planning, Communications, Environmental, Design, and other department staff (see Section VII.A. 4 below) will work together to utilize demographic data from the U.S. Census, American Community Survey, and other sources to help identify and address EJ and Limited English Proficiency (LEP) issues, including meaningful access to information and development of the public outreach and involvement process.
  - (3) Provide a copy of the approved Annual Construction Program to the Title VI Coordinator and department Title VI Specialist within the first quarter of each year. Projects in the approved Annual Program will be included on the demographic maps reviewed by the Title VI Coordinator and other Public Works management and staff.
- b) Work closely with Communications Section staff in the planning of public involvement, public meetings or other communication strategies

associated with planning activities conducted by the Program Planning Section.

**2. Traffic: TES –Traffic Operations Section**

The TES Traffic Operations Section is responsible for the safe, efficient and reliable movement of people, goods and services on unincorporated county roads and streets within our eight client cities. The section works closely with all other sections and divisions within the department to ensure appropriate design, operations and maintenance are addressed for all roadway users. The section manager is also responsible for coordinating and ensuring compliance with the Americans with Disabilities Act (ADA) and related applicable laws and regulations for Public Works transportation infrastructure. Roadway traffic conditions involve regular communication and cooperation with other county departments, jurisdictions, organizations, residents and businesses both within the county as well as the greater Puget Sound region.

- a) Traffic Operations and Title VI Responsibilities:
  - (1) Provide appropriate provisions at signalized intersections for all users including pedestrians, bicyclists, transit and the disabled.
  - (2) Work closely with other sections, divisions and departments to ensure that appropriate provisions are provided to address the ADA within the public right-of-way.
  - (3) If accessible meeting facilities and/or translation services are requested or determined appropriate, Traffic Operations staff will coordinate with the Communications Section and others in the County to provide such services.

**3. Communications: TES – Communications Section**

The TES Communications Section provides public outreach, involvement and communication support for the Transportation Program.

**a) Communications and Title VI Responsibilities:**

In coordination with other Public Works sections and divisions, the Communications staff will:

- (1) Assist Title VI Coordinator and Specialists, program planning, environmental, design, right-of-way, maintenance and other department staff to ensure we evaluate applicability of, and help comply with, Limited English Proficiency (LEP) and Environmental Justice (EJ) requirements for our transportation improvement programs and projects. Communications staff will utilize and consider demographic data and other sources of information to help identify and address LEP and EJ issues.
- (2) Incorporate adequate time into the project communication planning process to invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning and project outreach process by disseminating written program or

project information to minority media and ethnic organizations, providing public service announcements for all local media, forming citizen advisory committees or planning boards with diverse representation when available, planning for public meetings, and generally requesting public involvement.

- (a) Communications staff will assist Program and Project Managers and other staff in providing, as appropriate, EJ and LEP populations with meaningful access to information and inclusion in program and project public outreach and involvement processes.
- (3) Assist in conducting background research on all projects to determine the community composition and appropriate outreach, and ensure translation or interpretation services are available if the need is anticipated.
- (4) Ensure access to public meetings by selecting accessible meeting locations and times; conducting evening meetings in a variety of community buildings throughout the County, including those along transit routes; and striving to ensure public meetings are held in predominately minority communities when projects will specifically impact those communities.
- (5) Work with design, environmental and other staff to ensure the public has information pertaining to the right to call or write the Department to view project plans and discuss environmental problems.
- (6) Attempt to obtain demographic data at community meetings and public hearings pertaining to the transportation design phase of projects. Data will be gathered through use of a voluntary sign-up form which includes racial/ethnic designation, gender, preferred language, and suggested locations to share project information. Copies of the voluntary self-reporting forms will be provided to the Title VI Coordinator via the department's Title VI Specialist after each meeting.

**4. Environmental Services: TES Environmental Services Section, and Other Environmental Staff**

The TES Environmental Services Section staff and other Public Works environmental staff assist in addressing environmental considerations and regulatory compliance for programs and projects relating to the Public Works Transportation Program. They work with regulatory agencies, other jurisdictions, special interest groups, consultants and contractors, and members of the public in addressing environmental issues and acquiring environmental permits and other approvals for projects. Studies are performed to assess various environmental factors as they relate to the implementation of the County's Annual Construction Program, including evaluating demographic data.

- a) Environmental and Title VI Responsibilities:

- (1) Monitor compliance with Title VI requirements in all aspects of conducting environmental reviews and permitting, including Environmental Impact Statements or Assessments, in coordination with the Title VI Coordinator, Specialists and Liaisons, and other department staff.
- (2) Work with the Title VI Coordinator and Specialists in development of maps by GIS staff that show planned transportation projects in relation to demographic data of the neighborhoods affected by the projects. Maps will incorporate relevant U.S. Census and American Community survey data.
- (3) Evaluate each transportation program or project for environmental issues and regulatory compliance requirements, including potential social and economic impacts. Most projects are reviewed under the State Environmental Policy Act (SEPA) and projects with federal funding and/or permits are also reviewed under the National Environmental Policy Act (NEPA). Depending on the scope, complexity, and impacts of a project, a SEPA checklist, SEPA Determination of Non-Significance, SEPA EIS, NEPA Categorical Exclusion (typically a WSDOT Environmental Classification Summary (ECS) Form, NEPA Environmental Assessment (EA), and/or NEPA Environmental Impact Statement (EIS), will be completed.
- (4) Environmental staff will evaluate applicability of, and help ensure compliance with, Environmental Justice (EJ) and Limited English Proficiency (LEP) requirements from a Title VI perspective when conducting environmental reviews of programs and projects.
- (5) Assist in collecting and conducting background research on program and project areas of potential impacts to determine the community composition, taking into account demographic data from the U.S. Census, American Community Survey and other sources (e.g., schools, community centers, businesses, etc.). Coordinate as appropriate with the Title VI Coordinator, Specialists, and Liaisons; other program planning, communications, design, right-of-way, and maintenance staff, and other department staff as appropriate, to evaluate and consider this data from a Title VI compliance perspective for our transportation improvement programs and projects.
- (6) Environmental staff will incorporate adequate time into the environmental review process to consult with the Title VI Coordinator and Specialists, as applicable, on any EJ and LEP issues and to coordinate, review and comment on draft NEPA, SEPA and Title VI documents. Environmental staff will coordinate with Project Managers and Title VI Specialists to compile and track NEPA, SEPA, EJ, LEP and related data for use in Title VI project documentation and annual reports.

**5. Authorities/Operational Guidelines: Planning, Traffic, Communications and Environmental**

Snohomish County Code 3.57.010, Affirmative Action Statement of Policy  
23 CFR 450, FHWA Planning Assistance and Standards  
RCW 35.77, Streets, planning, establishment, construction, and maintenance  
RCW 36, Counties  
RCW 47.06, Statewide Transportation Planning  
RCW 47.80 Regional Transportation Planning Organization (i.e., Puget Sound Regional Council)  
Executive Order 12898 on Environmental Justice  
Executive Order 13166 on Limited English Proficiency  
42 USC 4321, National Environmental Policy Act (NEPA)  
40 CFR 1500, 23 CFR 771, NEPA regulations  
49 CFR 622, Environmental Impact  
43.21C RCW, State Environmental Policy Act (SEPA)  
Ch. 197-11 WAC, SEPA regulations  
Washington Growth Management Act  
Snohomish County Comprehensive Plan and Related Policies  
SCC Title 11  
RCW 47.36.030, Manual on Uniform Traffic Control Devices (MUTCD)  
WAC 468.95, MUTCD  
Snohomish County Engineering and Development Design Standards (EDDS)  
WSDOT Design Manual

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

**B. Design, Construction and Right-of-Way**

The Engineering Services Division (ES) is responsible for the design and construction of transportation projects, as set forth by policy decisions and supervision of the County Engineer. Although not called out in our Title VI Plan as special emphasis areas, the ES Survey and Geotechnical Sections also work closely with the ES Design and Construction Sections, and others in Public Works to deliver our transportation CIP projects.

**1. DESIGN: ES – Design Section**

The ES Design Section has responsibility for design and engineering of transportation Capital Improvement Program (CIP) projects, including the designing of our roadways, bridges, and pedestrian facilities; overseeing design consultants; and assembling Requests for Proposals and Bid Packages in coordination with the ES Construction Section, AdOps Contract Administration and the County's Purchasing Division.

**a) Design and Title VI Responsibilities:**

- (1) Work closely with Program Planning, Traffic Operations, Communications, Environmental, Right-of-Way and other department staff during the design of our transportation projects. Economic, social, topographic, traffic operations, and

environmental impact of a proposed project are key factors weighed in location and design considerations.

- (2) Assist Title VI Coordinator and Specialists and other department staff to ensure we evaluate applicability of, and help comply with, Limited English Proficiency (LEP) and Environmental Justice (EJ) requirements for our transportation improvement programs and transportation projects. Design staff will help collect, utilize and consider demographic data and other sources of information to help identify and address LEP and EJ issues. Project Managers have overall responsibility for Title VI compliance at the project level, including ensuring adequate documentation for project files and annual reporting.
  - (a) Work closely with Environmental and Communications staff to help avoid or minimize the environmental impact of a project during the design phase, including identifying and addressing potential EJ related impacts.
  - (b) Work closely with Communications, Environmental and Right-of-Way staff and others to comply with LEP requirements, and coordinate public outreach, involvement and communication, as appropriate, for each project. Access to information and the need to provide information in alternative languages are considerations addressed with Communications, Environmental, and Right-of-Way staff, and the Title VI Coordinator, Title VI Specialists, and other staff as appropriate.
- (3) Work closely with Public Works Contract Administration staff and the County Purchasing Division to ensure all applicable federal transportation-related contractual requirements, including Title VI related requirements are included in Requests for Proposals and Bid Packages.

## 2. CONSTRUCTION: ES – Construction Section

The ES Construction Section is responsible for oversight and inspection of all new transportation construction projects.

### a) Construction and Title VI Responsibilities:

- (1) Work closely with our Contract Administration and, as appropriate, the County's Purchasing Division for Contractors and Sub-Contractors compliance with all applicable contracts and other legal requirements, and overall contracting and purchasing activities during project construction.
- (2) Review and ensure all appropriate Title VI language is placed in bid announcements and applicable construction documents,

consistent with the County's Title VI Policy Statement (see Section I.A) and Title VI Assurances (**Appendix D**).

- (3) Recommend award of construction contracts on the basis of lowest responsive bidder.
- (4) Monitor all construction operations to ensure nondiscrimination.
- (5) Interview Contractor Staff to assure compliance with prevailing wage requirements.
- (6) Work closely with communication, environmental, and other staff to help avoid or minimize the environmental impact of a project during construction and, as needed, to address any Limited English Proficiency or Environmental Justice issues.

### **3. Authorities/Operational Guidelines: Design and Construction**

Snohomish County Code, Chapter 13, Roads and Bridges  
WSDOT Local Agency Guidelines  
WSDOT Design Manual  
WSDOT Bridge Design Manual  
WSDOT Highway Runoff Manual  
WSDOT Standard Specifications  
WSDOT Standard Plans for Road, Bridge and Municipal Construction  
WSDOT Construction Manual  
WSDOT Maintenance Manual  
WSDOT Environmental Procedures Manual  
23 USC 109, 217, 315, 402  
49 CFR Part 622  
APWA - M21-01  
AASHTO Bridge Design Specifications

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

### **4. Right-of-Way Activities: ES – Right-of-Way Section**

The ES Right-of-Way Section manages and coordinates the appraisal and acquisition of real property and relocation assistance services for transportation and other 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.

#### **a) Right-of-Way and Title VI Responsibilities:**

- (1) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements and follow adopted County vendor procurement policies in the acquisition of contracted services.

- (2) 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 department Title VI Specialist on a quarterly basis.
- (3) Follow the guidelines in the WSDOT's Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504 of the Rehabilitation Act of 1973.
- (4) Adhere to departmental policy for appraising 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 and provide copies of relocation assistance literature produced by WSDOT and any information produced concerning Snohomish County's Title VI compliance efforts.
- (5) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- (6) Ensure that in the property acquisition process, comparable replacement dwellings are available and assistance is given to all displaced persons and entities.
- (7) Assist project design, communications, environmental and other staff with data gathering and documentation, determining community composition, and communications with property owners, lessees, renters and others, as appropriate, to help ensure we evaluate applicability of, and compliance with, Limited English Proficiency and Environmental Justice requirements for projects. Access to information and the need to provide information in alternative languages are considerations addressed with Communications, Environmental, and Design staff, and the Title VI Specialists, and other staff as appropriate.

**5. Authorities/Operational Guidelines: Right-of-Way**

WSDOT Right of Way Manual  
WSDOT Local Agency Guidelines Manual  
29 USC 794  
42 USC 61  
23 CFR 130  
49 CFR 24, 27  
RCW 8.8, 8.25, 8.26  
RCW Chapter 47  
WAC 468.100

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

### **C. Maintenance Activities**

The Road Maintenance Division is responsible for maintaining County roads and bridges by economically utilizing the resources of county personnel, equipment, materials and, on a limited and as-needed basis, contractors.

#### **1. Maintenance and Title VI Responsibilities:**

- a) Monitor all maintenance operations and management practices to ensure nondiscrimination.
- b) Work closely with our Contract Administration Section, other Public Works Sections, and the County's Purchasing Division, when appropriate, for Contractors and Sub-Contractors compliance with all applicable contracts and other legal requirements, and overall contracting and purchasing activities.
- c) Work closely with environmental staff to help avoid or minimize the environmental impact of a project during maintenance and operations.
- d) Work closely with the Title VI Coordinator and Specialists, Communications staff and others to comply with LEP requirements, and coordinate public outreach, involvement, and communication, as appropriate, for each project. Access to information and the need to provide information in alternative languages are considerations addressed with Communications and the Title VI Coordinator, Title VI Specialists, and other staff as appropriate.

#### **2. Authorities - Maintenance**

WSDOT Maintenance Manual  
WSDOT Construction Manual  
WSDOT Standard Specifications for Road, Bridge and Municipal Construction Section  
RCW 36.80  
SCC Title 13

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

### **D. Administration, Human Resources, and Contracts**

The Administrative Operations Division (AdOps) is responsible for overall administrative operations within Public Works, including human resources services and contract administration. Although not called out in our Title VI Plan as special emphasis areas, the AdOps Information Technology and Records Management sections also work closely with the

other AdOps sections, and others in Public Works to deliver our transportation program and CIP projects.

**1. Human Resources:**

Human Resources staff work with all Public Works management and staff, in coordination with our County Human Resources Department, to provide training and enforcement of County hiring, nondiscrimination, harassment, violence prevention and similar human resources related laws, regulations, policies, procedures and/or guidelines.

**a) Human Resources and Title VI Responsibilities:**

- (1) Assist, as needed, with Title VI and other nondiscrimination related training, and the tracking of training statistical data for use by the Title VI Coordinator and preparation of our Annual Accomplishments and Update Reports.
- (2) Work with our County Human Resources Department to obtain gender and racial/ethnic designation employee statistics for use in our Annual Reports.
- (3) Assist with creation and maintenance of our Public Works Title VI SharePoint site and website.
- (4) Assist the Title VI Coordinator with gathering and responding to Title VI inquires or complaints.

**2. Contracts:**

The AdOps Contract Administration Section works with all Public Works Divisions and our County Purchasing Division on development and management of contracts and purchasing, including hiring of consultants and contractors.

Public Works staff from different Divisions work with Contract Administration staff to request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects. Consultant use from different divisions of Public Works are drawn from an approved list of Consultants that comply with all State and County regulations and requirements.

- The Snohomish County Department of Public Works, together with the Snohomish County Purchasing Division, is responsible for the competitive selection of consultant firms and final contract negotiation and award.

Contract Administration staff is also responsible for administering all construction contracts and for ensuring compliance with contract provisions, including DBE goals and EEO requirements from our contractors. Contract Administration staff work closely with other Public Works Divisions in ensuring compliance under each contract.

**a) Contract Administration and Title VI Responsibilities:**

- (1) Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to have contractor proactively achieve the goal(s).
- (2) Include Title VI assurance and provision language in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations. A copy of the form of the contract and any amendments or updates that may occur over time shall be provided to the Title VI Coordinator.
- (3) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs, which perform commercially useful functions.
- (4) Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- (5) Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.

**3. Authorities/Operational Guidelines:**

Snohomish County Code, Chapter 3.04  
WSDOT Standard Specifications  
WSDOT Local Agency Guidelines  
48 CFR 31  
23 CFR 172  
2 CFR 200

Public Works has listed out and provided links to over 70 authorities and citations Public Works employees can access via the Public Works Title VI SharePoint site. The referenced SharePoint list and links will be maintained and updated as needed and as resources are available.

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# APPENDIX A

## **Complete and Signed Copy of Snohomish County Title VI Plan Policy of Nondiscrimination**

Snohomish County  
Federally Funded  
Transportation Program  
Title VI Plan  
For Year 2019

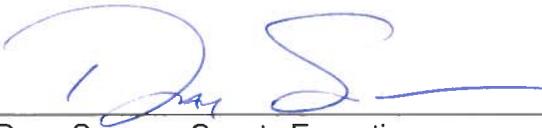
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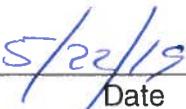
**SNOHOMISH COUNTY  
TITLE VI PLAN  
POLICY OF NONDISCRIMINATION**

Snohomish County assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964 (Public L. No. 88-352), as amended, and the Civil Rights Restoration Act of 1987 (Public L. No. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any County sponsored program or activity. Snohomish County 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 the event Snohomish County distributes Federal aid funds to another entity, Snohomish County 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. Responsibility for assuring compliance has been delegated to the County Executive by the Snohomish County Council pursuant to Snohomish County Code 2.10.010(27). Under this authority, the County Executive serves as the Agency Administrator for purposes of Title VI compliance. The Agency Administrator, Equal Employment Opportunity Office, and Transportation Program 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.

  
\_\_\_\_\_  
Dave Somers, County Executive  
Snohomish County Title VI Agency Administrator

  
\_\_\_\_\_  
Date

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# APPENDIX B

## **Title VI Coordinator, Specialists, and Special Emphasis Program Area Title VI Liaisons**

Snohomish County  
Federally Funded  
Transportation Program  
Title VI Plan  
For Year 2018

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## Public Works Title VI Coordinator, Specialists and Liaisons

Interim Title VI Coordinator: Steve Thomsen, Director		
Name	Title	Special Emphasis Program Area
Manuela Winter	<b>Department Wide Title VI Specialist</b> , Special Projects Coordinator	Supports Coordinator, all Special Emphasis Program Areas, and rest of department.
Transportation and Environmental Services Division (TES)		
Steve Dickson	<b>Title VI Specialist</b> , TES Division Director	Oversees Transportation Planning, Traffic Operations, Environmental Services, and Communications
Max Phan	<b>Title VI Liaison</b> , Engineering Manager	Program Planning, Environmental Services
Mohammad Uddin	<b>Title VI Liaison</b> , Traffic Operations Manager	Traffic Operations
Fay Lim	<b>Title VI Liaison</b> , Communications Supervisor	Communications
Engineering Services Division (ES)		
Janice Fahning	<b>Title VI Specialist</b> , Engineering Services Division Director	Oversees Transportation Design, Construction, and Right-of-Way
Charlie Green	<b>Title VI Liaison</b> , Design Manager	Design
Mary Ann Reddell	<b>Title VI Liaison</b> , Construction Manager	Construction
Kurt Lytle	<b>Title VI Liaison</b> , Right-of-Way Supervisor	Right-of-Way
Road Maintenance Division (RM)		
Steve Flude	<b>Title VI Specialist</b> , Road Maintenance Division Director	Oversees all Road Maintenance activities
Chris Pavish	<b>Title VI Liaison</b> , Administration & Planning Manager	Oversees all Road Maintenance administrative and planning activities
Administrative Operations Division (AdOps)		
Bryan Beason	<b>Title VI Specialist</b> , Administrative Operations Division Manager	Oversees all administrative operations, including human resources and contracts
Diane Langston	<b>Title VI Liaison</b> , PW Supervisor	Human Resources
Bill Thornton	<b>Title VI Liaison</b> , Contract Administration Supervisor	Contract Administration

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# APPENDIX C

## **Snohomish County Title VI Notice to the Public**

Snohomish County  
Federally Funded  
Transportation Program  
Title VI Plan  
For Year 2018

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# **Snohomish County**

## **Title VI**

### **Notice to the Public**

Snohomish County hereby gives public notice that it is the County's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI and related laws require 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 Snohomish County 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 Snohomish County. Any such complaint must be in writing and filed with the Snohomish County Public Works Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. The Title VI Complaint Procedures and Form may be obtained from the Title VI Coordinator at no cost to the complainant by calling 425-388-6660 (TTY: 711) or visiting our Public Works Title VI Website at:

<http://www.snohomishcountywa.gov/2028/Title-VI>

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# APPENDIX D

## **Snohomish County Title VI Assurances**

Snohomish County  
Federally Funded  
Transportation Program  
Title VI Plan  
For Year 2018

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## Snohomish County Title VI Assurances

Snohomish County, a political subdivision of 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 it 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:

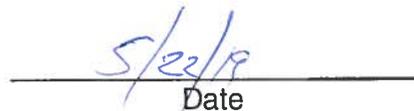
1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the 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: Snohomish County, 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 Exhibit 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Exhibit 2 of this Assurance, as a covenant running with the land, in any deed from the United States affecting 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 Assurances shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Exhibit 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 sue 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 thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property's 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.



\_\_\_\_\_  
Dave Somers, County Executive  
Snohomish County Title VI Agency Administrator



\_\_\_\_\_  
Date

**EXHIBIT 1 – Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers**

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

During the performance of this contract/agreement, the Contractor/Consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “Contractor/Consultant”) agrees as follows:

**1. Compliance with Regulations**

The Contractor/Consultant shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of Snohomish County (hereinafter the Agency), 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/agreement.

**2. Nondiscrimination**

The Contractor/Consultant, with regard to the work performed during the contract/agreement, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors and subconsultants, including procurement of materials and leases of equipment. The Contractor/Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when this contract/agreement 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/Consultant 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/Consultant of the contractor’s obligations under this contract/agreement and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

**4. Information and Reports**

The Contractor/Consultant 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 the Agency or the State (e.g., Washington State Department of Transportation), or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor/Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor/Consultant shall so certify to the Agency, the State, or the FHWA 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/Consultant's noncompliance with the nondiscrimination provisions of this contract/agreement, the Agency and the State shall impose such contract/agreement sanctions as they or the FHWA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor/Consultant under the contract/agreement until the Contractor/Consultant complies, and/or;
- b. Cancellation, termination, or suspension of this contract/agreement, in whole or in part.

**6. Incorporation of Provisions.**

The Contractor/Consultant shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor/Consultant shall take such action with respect to any subcontractor/subconsultant or procurement as the Agency, the State, or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor/Consultant becomes involved in, or is threatened with, litigation with a subcontractor/subconsultant or supplier as a result of such direction, the Contractor/Consultant may request the Agency to enter into such litigation to protect the interests of the State and/or the Agency and, in addition, the Contractor/Consultant may request the United States to enter into such litigation to protect the interests of the United States.

**EXHIBIT 2 – Granting and Habendum Clauses**

When Snohomish County is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clause shall be included in any and all deeds affecting or recording the transfer of property:

**GRANTING CLAUSE**

NOW, THEREFORE, Snohomish County, 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 Snohomish County 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 Snohomish County, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Snohomish County, its successors, and assigns.

Snohomish County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person 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)<sup>1</sup> (2) that Snohomish County, 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 Department 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.

<sup>1</sup> 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 – 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 Snohomish County pursuant to the provisions of Title VI Assurances, item 7 [depending on type of document, use appropriate word (LESSEE, GRANTEE, LICENSEE, or PERMITTEE)]:

The LESSEE/GRANTEE/LICENSEE/PERMITTEE, for himself or herself, 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 document, for purpose of which a Snohomish County Transportation project or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE/GRANTEE/LICENSEE/PERMITTEE 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 County shall have the right to terminate this agreement and reenter and repossess said land and the facilities thereon, and hold the same as if such agreement had never been made or issued.

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

The LESSEE/GRANTEE/LICENSEE/PERMITTEE, for himself or herself, his or her personal representatives, successors in interest and assigns, as a part of the consideration thereof, 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 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 subject to discrimination, (3) that the LESSEE/GRANTEE/LICENSEE/PERMITTEE 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, 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 may be amended.

That in the event of breach of any of the above non-discrimination covenants the County shall have the right to terminate this agreement and re-enter and repossess said land and the facilities thereon and hold the same as if such agreement had never been made or issued.

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