

407 Birch Ave SW, P. O. Box 810  
Napavine, WA 98565  
Phone: (360) 262-3547  
Fax: (360) 262-9199  
[www.cityofnapavine.com](http://www.cityofnapavine.com)



Shawn O'Neill, Mayor  
Rachelle Denham, City Clerk  
Michelle Whitten, City Treasurer  
Bryan Morris, Public Works –  
Community Development Director  
John Brockmueller, Police Chief

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## **NOTICE OF PUBLIC HEARING**

### **Ordinance 652-Adopting Interim Land Use Regulations & Official Controls Providing for Use of a Hearing Examiner.**

Notice is hereby given that the Napavine City Council has scheduled a public hearing to be held for Ordinance 652-Adopting Interim Land Use Regulations & Official Controls Providing for Use of a Hearing Examiner.

**WHEN: Tuesday, November 14, 2023**

**TIME: 6:00 p.m.**

**WHERE: Napavine City Hall, 407 Birch Ave. SW,  
Napavine, WA 98565**

Public comment will be received by the Napavine City Council on Ordinance 652. Comments may be made in writing to the Napavine City Clerk, Rachelle Denham at P.O. Box 810, Napavine, WA 98565, via email [rdenham@cityofnapavine.com](mailto:rdenham@cityofnapavine.com) , or by appearing before the Napavine City Council.

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## **NOTICE OF PUBLIC HEARING 2024-2029 Capital Facilities Plan**

**Notice is hereby given that the Napavine City Council has scheduled a public hearing to be held for the 2024-2029 Capital Facilities Plan.**

**WHEN: Tuesday, November 14, 2023**

**TIME: 6:00 p.m.**

**WHERE: Napavine City Hall, 407 Birch Ave. SW,  
Napavine, WA 98565**

Public comment will be received by the Napavine City Council on the proposed 2024-2029 Capital Facilities Plan. Comments may be made in writing to the Napavine City Clerk, Rachelle Denham at P.O. Box 810, Napavine, WA 98565, via email [rdenham@cityofnapavine.com](mailto:rdenham@cityofnapavine.com), or by appearing before the Napavine City Council.

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Michelle Whitten, City Treasurer  
Bryan Morris, Public Works &  
Community Development Director

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## **NOTICE OF PUBLIC HEARING 2024 Preliminary Budget**

**Notice is hereby given that the Napavine City Council has scheduled a public hearing to be held for the 2024 Preliminary Budget.**

**WHEN: Tuesday, November 14, 2023**

**Tuesday, November 28, 2023**

**TIME: 6:00 p.m.**

**WHERE: Napavine City Hall, 407 Birch Ave. S.W.  
Napavine, WA 98565**

Notice is hereby given that the City Council of the City of Napavine will hold a public hearing for 2024 Preliminary Budget at 6 p.m. Tuesday, November 14, 2023, and Tuesday, November 28, 2023 at Napavine City Hall, 407 Birch Ave. S.W. Comments may be made in writing to City Clerk, Rachelle Denham, at P.O. Box 810, Napavine, WA 98565, via email to [rdenham@cityofnapavine.com](mailto:rdenham@cityofnapavine.com), or by appearing before the City Council.



**CITY COUNCIL MEETING AGENDA**  
Tuesday – November 14, 2023 – 6:00 PM

Shawn O’Neill,  
Mayor  
[soneill@cityofnapavine.com](mailto:soneill@cityofnapavine.com)

Brian Watson,  
Council Position No.1  
[bwatson@cityofnapavine.com](mailto:bwatson@cityofnapavine.com)

Ivan Wiediger,  
Council Position No.2  
[iwiediger@cityofnapavine.com](mailto:iwiediger@cityofnapavine.com)

Don Webster,  
Council Position No.3  
[dwebster@cityofnapavine.com](mailto:dwebster@cityofnapavine.com)

Heather Stewart,  
Council Position No.4  
[hstewart@cityofnapavine.com](mailto:hstewart@cityofnapavine.com)

Duane Crouse,  
Council Position No.5  
[dcrouse@cityofnapavine.com](mailto:dcrouse@cityofnapavine.com)

**Staff Members**

Rachelle Denham,  
City Clerk

Michelle Whitten,  
City Treasurer

Bryan Morris,  
PW Director  
Community Development

John Brockmueller,  
Chief of Police

Allen Unzelman  
Honorable Judge-Municipal Court

Jim Buzzard,  
Legal Counsel

**City of Napavine**  
407 Birch Ave SW  
P O Box 810  
Napavine, WA 98565  
360-262-3547

**City Website**  
[www.cityofnapavine.com](http://www.cityofnapavine.com)

**\*\*Workshop: 2024 Preliminary Budget – 5:30 PM\*\***

**\*\*Public Hearings: \*Ord 652 Adopting Interim Land Use Regulations & Official Controls Providing for Use of a Hearing Examiner. \* 2024-2029 Capital Facilities Plan. \*2024 Preliminary Budget. – 6:00 PM\*\***

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF AGENDA – AS PRESENTED
- VI. APPROVAL OF MINUTES FROM THE REGULAR MEETING
  - 1) Regular Council Meeting Minutes – October 24, 2023
  - 2) Workshop Meeting Minutes Budget Expenditures & 2024-2029 Capital Facilities Plan – October 24, 2023
  - 3) Public Hearing Meeting Minutes Ad Valorem (Property Tax) and Revenues – October 24, 2023
- VII. STAFF & COUNCIL REPORT
- VIII. CITIZEN COMMENTS – NON-AGENDA ITEMS
- IX. NEW BUSINESS
  - 1) Vouchers – M. Whitten
  - 2) Ord 654- Ad Valorem Tax 2024 – M. Whitten
  - 3) Resolution 23-11-145 Property Tax Levy 2024 – M. Whitten
  - 4) Resolution 23-11-146 2024-2029 Capital Facilities Plan – M. Whitten
  - 5) BP ARCO Stormwater Agreement – B. Morris
  - 6) TIB Consultant Supplemental Agreement Change Order: 2023 Rush Rd Pavement Repairs (009)-1 – B. Morris
  - 7) TIB Consultant Supplemental Agreement Change Order: 2023 Lewis-Thurston Chip Seal Bundle (005)-1 – B. Morris
  - 8) Resolution 23-11-144 & Title VI Plan Documents – R. Denham & B. Morris
  - 9) Ord 656-Designation of Official Newspaper – R. Denham
  - 10) Buzzard Legal Services Agreement – R. Denham
  - 11) MOU- Teamsters Health Insurance – R. Denham
  - 12) AM 23-22 Hire Fulltime PW Employee – M. Whitten & B. Morris
  - 13) City Hall Flower Beds – B. Morris
  - 14) Lakeside Intent to Bond Rush Rd: Gutter Repair – B. Morris
- X. ADJOURNMENT – CLOSE OF MEETING

Council Meeting is held in person and via Teleconference.

**Teleconference Information**

Dial-in number (US): (720) 740-9753

Access code: 8460198

To join the online meeting: <https://join.freeconferencecall.com/rdenham8>



NAPAVINE CITY COUNCIL REGULAR MEETING MINUTES

October 24, 2023, 6:00 P.M.

Napavine City Hall, 407 Birch Ave SW, Napavine, WA

**CALL TO ORDER:**

Mayor Shawn O’Neill called the regular city council meeting to order at 6:02 pm.

**INVOCATION:**

The invocation was led by Bryan Morris.

**PLEDGE OF ALLEGIANCE:**

Mayor Shawn O’Neill led the flag salute.

**ROLL CALL:**

**Council members present:** Shawn O’Neill Mayor, Ivan Wiediger Councilor #2, Don Webster Councilor #3, Heather Stewart Councilor #4, and Duane Crouse Mayor Pro Tem.

**City staff members present:** City Clerk - Rachele Denham, Treasurer – Michelle Whitten, Chief of Police – John Brockmueller, CD PW Director - Bryan Morris, and Court Administrator – Lacie DeWitt.

<b>MOVED:</b>	Ivan Wiediger	Motion: Excuse Brian Watson
<b>SECONDED:</b>	Heather Stewart	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**CONSENT/APPROVAL OF AGENDA**

<b>MOVED:</b>	Ivan Wiediger	Motion: Approval of Agenda- As Amended.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**APPROVAL OF MINUTES FROM REGULAR COUNCIL MEETING**

<b>MOVED:</b>	Heather Stewart	Motion: Approval of Minutes - Regular Council Meeting, on October 10, 2023.
<b>SECONDED:</b>	Ivan Wiediger	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**APPROVAL OF MINUTES FROM FUNTIME FESTIVAL WORKSHOP MEETING**

<b>MOVED:</b>	Don Webster	Motion: Approval of Minutes – Funtime Festival Workshop Meeting, on October 10, 2023.
<b>SECONDED:</b>	Heather Stewart	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**APPROVAL OF MINUTES FROM BUDGET REVENUES WORKSHOP MEETING**

<b>MOVED:</b>	Heather Stewart	Motion: Approval of Minutes – Budget Revenues Workshop Meeting, on October 10, 2023.
<b>SECONDED:</b>	Duane Crouse	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried: 4 aye and 0 nay.	

**STAFF & COUNCIL REPORTS:**

**John Brockmueller – Chief of Police**

- Greetings to the council, report in writing, and operations are normal.

**Rachelle Denham – Clerk**

- Report in writing. Shared the Emergency Management Training flier that Rieva Lester from the county emailed out. Please let Rachelle know if you are interested to attend so she can RSVP.

**Bryan Morris - PW/CD Director**

- Report in writing.

**Michelle Whitten – Treasurer**

- No Report.

**Lacie DeWitt – Court Administrator**

- No Report, business as usual.

**Fire Dist. 5 – Sandra White**

- The fire department will not be handing out full size candy bars for Trunk or Treat but instead will be handing out handfuls! Just hosted the SWWFA Region 8 meeting at the Jesters Museum to include Lewis, Cowlitz, and Clark Counties.

**Planning Commission – Deborah Graham**

- No report.

**Duane Crouse – Mayor Pro Tem**

- Gave kudos to the utility department about receiving an email about his high-water consumption while on vacation and was able to get it taken care while he was away.

**Heather Stewart – Councilor #4**

- Is excited about getting the app and new meter installed because her last two utility bills have been doubled from her other bills, although she apparently doesn't have a leak, but she believes she does. Heather asked to be excused from the next council meeting.

**Don Webster – Councilor #3**

- Asked the question why when he pays his water bill is there a \$6.32. The Clerk responded that it is a third-party processing charge that is assessed when paying with a credit/debit card. She also informed Don that the city will gladly accept cash and check payments which don't have a processing charge.

**Shawn O'Neill – Mayor**

- Gave kudos to the PW and Clerk Department for the work that was done with the last chlorination that was done. Social media comments that were made regarding this were handled professionally. This notice does go on the bill prior to the month that we are chlorinating along with it being online and on the water consumer report. Rachelle did make a post on social media that helped answer some questions.

**CITIZEN COMMENTS – NON-AGENDA ITEMS:**

- None

**NEW BUSINESS**

**VOUCHERS- M. WHITTEN**

The following voucher/warrants/electronic payments are approved for payment:

Accounts Payable	26	57	1,384,635.53	38581/38583-38607
Payroll Vendors	1	1	203.00	38582
Electronic Payme	4	4	559.21	Eft*20231011-14
Electronic Payrol	5	5	29,413.73	EFT*20231015-19
ACH Direct Depo	17	17	35,977.22	Direct Deposit 10/20/2023
<b>Total Vouchers</b>	<b>53</b>	<b>84</b>	<b>\$1,450,788.69</b>	

<b>MOVED:</b>	Don Webster	Motion: Approval of the Vouchers dated October 2023 2 <sup>nd</sup> Council Meeting.
<b>SECONDED:</b>	Ivan Wiediger	
<i>Discussion: Councilor Stewart made a comment about a vet bill, it was good to see that we helped a dog that the PD took in. The mayor commented that he reached out to Meja at the County and that the ILA in place will be looked at in the future once the new animal shelter is done.</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**KR HOMES CHANGE ORDER– B. MORRIS**

<b>MOVED:</b>	Duane Crouse	Motion: Approve KR Homes Change Order.
<b>SECONDED:</b>	Ivan Wiediger	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**AM 23-21 LEAK ADJ ACCT 1298.0 – R. DENHAM**

<b>MOVED:</b>	Ivan Wiediger	Motion: Approve AM 23-21 Leak Adjustment for Acct 1298.0.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**SCHEDULE TIME FOR BUDGET WORKSHOP #3 PRELIMINARY BUDGET – M. WHITTEN**

<b>MOVED:</b>	Heather Stewart	Motion: Set date and time for workshop at 5:30pm on November 14 <sup>th</sup> for Preliminary Budget.
<b>SECONDED:</b>	Don Webster	
<i>Discussion: No Discussion</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

**ADJOURNMENT:**

<b>MOVED:</b>	Don Webster	Motion: To Adjourn – Close of Meeting
<b>SECONDED:</b>	Ivan Wiediger	
<i>Discussion: Meeting Adjourned at 6:22 p.m.</i>		
<b>VOTE ON MAIN MOTION:</b>	4-0 Motion Carried; 4 aye and 0 nay.	

*These minutes are not verbatim. If so desired, a recording of this meeting is available online from [freeconferencecall.com](https://freeconferencecall.com) or at the link <https://fccdl.in/7X3bSQJHbE>.*

**Respectfully submitted,**

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Rachelle Denham, City Clerk

Shawn O’Neill, Mayor

Councilor





WORKSHOP MEETING MINUTES- BUDGET EXPENDITURES & 2024-2029 CAPITAL FACILITIES PLAN  
October 24, 2023

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**\*Mayor Shawn O'Neill opened the Workshop Meeting at 5:00 PM**

**NAPAVINE COUNCIL MEMBERS PRESENT:**

Mayor Shawn O'Neill, Councilor #2 Ivan Wiediger, Councilor #3 Don Webster, Councilor #4 Heather Stewart, and Mayor Pro Tem Duane Crouse. The mayor asked to excuse Councilor #1 Brian Watson from the workshop meeting. *Motions made: Moved-Ivan Wiediger and Seconded-Don Webster, 4-0 motion carried; 4 aye and 0 nay.*

**CITY STAFF MEMBERS PRESENT:** City Clerk Rachelle Denham, Treasurer Michelle Whitten, Police Chief John Brockmueller, CD/PW Director Bryan Morris, Court Administrator Lacie DeWitt, and Police Exec Asst. Judy Godbey.

**ROUND TABLE DISCUSSION:**

**Key Points and handouts provided:**

- Still waiting for the property tax information and liability insurance costs.
- Still waiting to hear from City of Chehalis regarding the ILA for the sewer treatment.
- Preliminary Budget and Expenditures: \$100,000 lower than where we began due to a lot of moving things to include the Lewis/Thurston Bindle Project.
- 2023 estimated year-end balance: Revenues look light expenditures look heavy.
- 2024 estimated glimpse and information on the handout.
- In the next few years there are a few loans that will be paid off.
- The mayor and council asked for another workshop for the Preliminary Budget on November 14<sup>th</sup> at 5:30 pm.
- 2024-2029 Capital Facilities Plan (CFP) projects discussed, and CFP handout provided.

***Budget Review 2024- Updates 10/23/2023***

**The highest changes are in wages and benefits in all Funds**

- In the 2022 Union Negotiations it was agreed to a 6% increase for 2024 and 2025
- Council agreed to increase the Medical Insurance Benefits and change to Teamster insurance with full family coverage and employee paying \$200 a month towards the coverage, city covering the rest. I had estimated a 4% increase and it will actually be 5%.
- There is an addition of 3 full time employees, 1 in Police/2 in Public Works
- Expecting significant increases to L & I with a 7% increase to Public Works and 15% increase for Law Enforcement

**Current Expense 001 Fund**

Expenditures

- Added a monthly stipend for the Mayor of \$1,000. Small discussion took place.

Legal Costs have been increasing Civil/Prosecution/and Indigent defense

Dispatch services estimated a \$50,000 increase. This will not be known until after votes in November

Increase to Detention and Correction of Prisoners

Have not Received the new bill from CIAW Insurance for 2024.

**Park Improvement Fund 004-**

- Mayme shelter should be completed, may have some minor bills in January

**General Capital Equipment Fund 005-**

- Expenses will be lower unless new grants are obtained in Court or Archive

**City Street Fund 101**

Expenditures

- Increase of employee expense

**Street Improvement Fund 105**

Expenditures

- Transportation projects with grant funds

**Criminal Justice Fund 110**

Expenditures

- No significant changes potentially replace police truck

**Local Recovery Fiscal Funds 115-** Spend remainder of funds for projects

**Project Planning 305 –**

- Update to the Comprehensive Plan over the next 2 years with grant funds

**Water Fund 401**

Expenditures-

- Increase of employee expenses

**Water System Improvement Fund 402 –**

- Update of the Water Comp Plan – will begin next year and hasn't been updated for six years but with this will be ten years.

**Wastewater Fund 406**

Expenditures

- Chehalis Wastewater fee is unknown at this time
- Increase cost of employees

**Wastewater System Improvement Fund 408-**

- Jefferson Station Upgrade paid with .09 funds

**Street Capital Equipment Fee 102-** Purchase of Street Sweeper possibly

**Sewer Capital Equipment Fee 409-** Purchase of Street Sweeper possibly

**Water Capital Equipment Fee 411-** Purchase of Street Sweeper possibly

**The meeting was adjourned-closed at approximately 5:51 p.m.**

- *These minutes are not verbatim. If so desired, a recording of this meeting is available online from [freeconferencecall.com](https://fcdl.in/kevvKp08eO) or at the link <https://fcdl.in/kevvKp08eO> .*

**\*\*THIS WAS OPEN DISCUSSION ONLY AND NO VOTES OR FINAL DECISIONS WERE MADE \*\***

Respectfully submitted,

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Rachelle Denham, City Clerk

Shawn O'Neill, Mayor

Councilor



NAPAVINE CITY COUNCIL MINUTES  
PUBLIC HEARING – 2024 BUDGET REVENUES & AD VALOREM TAX  
October 24, 2023, 6:00 P.M.  
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

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**CALL TO ORDER:**

Mayor Shawn O’Neill called public hearing of the **Napavine 2024 Budget Revenues & Ad Valorem Tax** to order at 6:00 pm.

**INTRODUCTION:**

Mayor Shawn O’Neill introduced himself as presiding over the public hearing.

**PURPOSE OF HEARING:**

To invite testimony from the community members and the public, regarding the **Napavine 2024 Budget Revenues & Ad Valorem Tax** before the Council. The Council will hear testimony from persons present who wish to speak for, against or neither for or against the **Napavine 2024 Budget Revenues & Ad Valorem Tax**, any questions, please direct them to the mayor and he will direct staff our Council members who may have the answers to address the question. Mayor would like to keep discussion to a minimum.

**PROCEDURE:**

Those wishing to testify are asked to speak clearly and tell the Council

- Your Name
- Your Address
- Who you represent

**Opened Public Hearing:**

Mayor Shawn O’Neill opened the public hearing and welcomed anyone wishing to speak to approach the podium.

No community members or general public testified to the Council.

**Closing of Public Hearing:**

Mayor Shawn O’Neill announced, all testimony having been taken, the public hearing on the **Napavine 2024 Budget Revenues & Ad Valorem Tax** is now closed ending time 6:02 pm.

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Rachelle Denham, City Clerk

Shawn O’Neill, Mayor

Councilor



**PUBLIC WORKS & COMMUNITY DEVELOPMENT**

407 Birch Ave SW, P. O. Box 810 Napavine, WA 98565

Phone: (360) 262-9344 Fax: (360) 262-9199

www.napavine.wa.gov

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**To:** Mayor and City Council

**From:** Bryan Morris, PW/CD Director

**RE:** Staff Report for Council Meeting, Nov. 14, 2023

- **Planning Commission Meeting Minutes**
  - Meeting canceled.
  
- **Project Updates**
  - ARCO- Received Temporary Occupancy
  
  - Scots Industries- Waiting for engineer submittal.
  
  - TA- Started Construction.
  
  - AT&T Cell Tower- Will follow up in December, AT&T is currently reviewing budgets and project scopes.
  
  - Rognlins- Plans are stamped and issued. Currently there are no action items for the city, developer will need to schedule a pre-construction meeting.
  
- **Mayme Shaddock Park**
  - Active Construction
  
- **Critical Areas ordinance:** Complete - Ordinance 651
  
- **Shoreline:** Complete - Ordinance 651
  
- **Rush Road:** Complete
  
- **Jefferson Station:** Currently in the design stage.
  
- **Washington State Energy Code** – Possible Exemption?

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Shawn O'Neill, Mayor  
Rachelle Denham, City Clerk  
Michelle Whitten, City Treasurer  
John Brockmueller, Chief of Police  
Bryan Morris, PW – CD Director

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To: Mayor and City Council

From: Michelle Whitten, City Treasurer

RE: Treasurer's Report Council Meeting Date: November 14, 2023

**Treasurer Report:**

• **2024 Budget:**

- The Property Tax/Ad Valorem information came in from Lewis County and it is falling right where I had predicted. They do not have the State Assessed Utilities as of yet. I have put into the Resolution that Napavine will go from \$360,000 collection to \$369,776.86 which includes \$1,049.48 in administrative refunds and increase for new construction for an overall percentage of 2.716%. The Real and Personal Values for Napavine were \$309,959,747 in 2023 to \$338,188,799 for 2024.
- I still do not have the rates for liability insurance costs for 2024
- As of writing this I do not know how the vote for Dispatch services did. If it passes this will be an approximate savings in the Police Department Budget of \$50,000.



## Voucher Report- November 14, 2023

Council Date: 2023 - November - November 2023 1st Council Meeting

Reference	Date	Amount	Notes
<b>Reference Number: 38609</b>	<b>International Brotherhood Teamsters I</b>	<b>\$1,050.00</b>	
Union Dues - 14872	10/16/2023	\$53.75	
Union Dues - 14873	10/16/2023	\$31.25	
Union Dues - 14874	10/16/2023	\$28.25	
Union Dues - 14877	10/16/2023	\$34.75	
Union Dues - 14878	10/16/2023	\$35.75	
Union Dues - 14879	10/16/2023	\$37.25	
Union Dues - 14880	10/16/2023	\$40.25	
Union Dues - 14881	10/16/2023	\$36.25	
Union Dues - 14882	10/16/2023	\$43.25	
Union Dues - 14883	10/16/2023	\$35.75	
Union Dues - 14884	10/16/2023	\$37.75	
Union Dues - 14886	10/16/2023	\$31.75	
Union Dues - 14888	10/16/2023	\$35.75	
Union Dues - 14890	10/16/2023	\$43.25	
Union Dues - 14892	11/2/2023	\$53.75	
Union Dues - 14893	11/1/2023	\$31.25	
Union Dues - 14894	11/1/2023	\$28.25	
Union Dues - 14895	11/1/2023	\$43.25	
Union Dues - 14897	11/1/2023	\$34.75	
Union Dues - 14898	11/1/2023	\$35.75	
Union Dues - 14899	11/1/2023	\$37.25	
Union Dues - 14901	11/1/2023	\$36.25	
Union Dues - 14902	11/1/2023	\$43.25	
Union Dues - 14903	11/1/2023	\$35.75	
Union Dues - 14904	11/1/2023	\$37.75	
Union Dues - 14906	11/1/2023	\$31.75	
Union Dues - 14908	11/1/2023	\$35.75	
Union Dues - 14909	11/1/2023	\$40.25	

Council Date: 2023 - November - November 2023 1st Council Meeting

Reference	Date	Amount	Notes
<b>Reference Number: 38610</b>	<b>Office of Support Enforcement</b>	<b>\$203.00</b>	
Child Support - 14893	11/1/2023	\$203.00	
<b>Reference Number: 38611</b>	<b>Badger Meter</b>	<b>\$273.94</b>	
80142358	10/30/2023	\$273.94	2023- Oct Services
<b>Reference Number: 38612</b>	<b>B-n-H Towing Chehalis</b>	<b>\$462.55</b>	
7282	10/20/2023	\$462.55	Case 23F1009
<b>Reference Number: 38613</b>	<b>Buzzard O'Rourke</b>	<b>\$7,490.00</b>	
10495	11/3/2023	\$40.00	2023 - past prosecution Barclay
10510	11/3/2023	\$10.00	2023 - past prosecution Pankowski
10511	11/3/2023	\$20.00	2023 - past prosecution Hilliard
10512	11/3/2023	\$40.00	2023 - past prosecution Martin Price
10513	11/3/2023	\$20.00	2023 - past prosecution Cochran
10514	11/3/2023	\$10.00	2023 - past prosecution Teem
10522	11/3/2023	\$200.00	2023 - past prosecution-McCarty
10523	11/3/2023	\$100.00	2023 - past prosecution Lamphere
11243	11/3/2023	\$20.00	2023 - past prosecution Klamm
13477	10/25/2023	\$510.00	2023 - Oct Pass Thru TA
13481	10/25/2023	\$1,480.00	2023 - Title VI/PDR
13493	10/25/2023	\$200.00	2023 - Sept/Oct Pass Thru BP
13535	10/25/2023	\$30.00	2023 - Oct Prosecution
13536	10/25/2023	\$30.00	2023 - Oct Prosecution
13538	10/25/2023	\$2,860.00	2023 - Oct Prosecution
13542	10/25/2023	\$780.00	2023 - Oct Prosecution
13544	10/25/2023	\$1,140.00	2023 - Aug/Sept Rognlins Pass Thru
<b>Reference Number: 38614</b>	<b>Chehalis Outfitters</b>	<b>\$83.17</b>	
Invoice - 11/6/2023 11:50:59 AM	11/6/2023	\$83.17	Safety Shirts/Pants/Gloves

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Reference	Date	Amount	Notes
<b>Reference Number: 38615</b>	<b>City of Napavine</b>	<b>\$1,191.54</b>	
2023*Sept Utility Tax	11/6/2023	\$1,191.54	2023 -Sept Water/Sewer Service Utility Ta
<b>Reference Number: 38616</b>	<b>DMCMA Treasurer</b>	<b>\$250.00</b>	
2024 DMCMA Membership - Dewitt	10/27/2023	\$250.00	2023- Municipal Ct Management Assoc
<b>Reference Number: 38617</b>	<b>Flannery Publications</b>	<b>\$347.75</b>	
62312	10/8/2023	\$58.50	Rognlins Agreement
62318	10/14/2023	\$136.50	notice for legal newspaper
62380	10/20/2023	\$48.75	Ord 651 CAO
62381	10/28/2023	\$52.00	PH Budget Ad Valorem
62460	10/28/2023	\$52.00	Ord 652 CF Plan PH
<b>Reference Number: 38618</b>	<b>General Pacific Inc</b>	<b>\$0.66</b>	
1477455	10/25/2023	\$0.66	1" meter
<b>Reference Number: 38619</b>	<b>Home Carpet Warehouse Inc</b>	<b>\$10,612.63</b>	
87793 RH	2/1/2023	\$10,017.15	Carpeting PW/Mayors Office
88992 RH	10/2/2023	\$595.48	Vinyl floor - PW
<b>Reference Number: 38620</b>	<b>I-5 Landscape Supply</b>	<b>\$56.65</b>	
32 I-5 landscape	10/21/2023	\$56.65	Stormdrain rock
<b>Reference Number: 38621</b>	<b>Innovations In Eyecare</b>	<b>\$110.00</b>	
2023*Oct Patient Acc 6938A	10/9/2023	\$110.00	Elwood - Eyecare
<b>Reference Number: 38622</b>	<b>Joseph O. Enbody</b>	<b>\$1,615.00</b>	
291549	10/20/2023	\$1,615.00	8.5 Units Oct 2023
<b>Reference Number: 38623</b>	<b>KR Homes, LLC</b>	<b>\$99,133.77</b>	
23-1000*1	10/25/2023	\$99,133.77	Pay Est 1 Mayme Kitchen



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Reference	Date	Amount	Notes
<b>Reference Number: 38624</b>	<b>Lakeside Industries</b>	<b>\$162.30</b>	
250536	10/14/2023	\$162.30	EZ Street Asphalt Pot Hole Repairs
<b>Reference Number: 38625</b>	<b>LCSO-Corrections Bureau</b>	<b>\$202.78</b>	
2023*Oct Jail	11/1/2023	\$202.78	2023 -Oct #2.5 of beds days
<b>Reference Number: 38626</b>	<b>LECO Supply, Inc</b>	<b>\$691.33</b>	
216592	10/20/2023	\$84.39	T-Paper
216735	10/23/2023	\$606.94	Chlorine Well 6
<b>Reference Number: 38627</b>	<b>Lewis County Animal Shelter</b>	<b>\$150.00</b>	
150.00	10/24/2023	\$150.00	2 strays
<b>Reference Number: 38628</b>	<b>Lewis County Fleet Svs.</b>	<b>\$123.06</b>	
40359	10/19/2023	\$123.06	23 Dodge Durango Oil Change
<b>Reference Number: 38629</b>	<b>Lewis County Public Health Departmer</b>	<b>\$112.00</b>	
7441	11/1/2023	\$112.00	4 Water Testings
<b>Reference Number: 38630</b>	<b>Lewis County PUD</b>	<b>\$3,925.10</b>	
104755002*2023 Nov	10/24/2023	\$30.54	2023*9/18-10/18 E Park St
104755003*2023 Nov	10/24/2023	\$31.55	2023*9/18-10/18 Triangle
104755004*2023 Nov	10/24/2023	\$56.18	2023*9/18-10/18 WA & 2nd
104755006*2023 Nov	10/24/2023	\$55.99	2023*9/18-10/18 Linhart
104755007*2023 Nov	10/24/2023	\$40.15	2023*9/18-10/18Ped Overpass
104755008*2023 Nov	10/24/2023	\$56.98	2023*9/18-10/18 PW Shop
104755009*2023 Nov	10/24/2023	\$41.66	2023*9/18-10/18 Concessions
104755010*2023 Nov	10/24/2023	\$35.03	2023*9/18-10/18 Hamilton Pump
104755011*2023 Nov	10/24/2023	\$34.21	2023*9/18-10/18 Stadium Way
104755012*2023 Nov	10/24/2023	\$44.49	2023*9/18-10/18 WA & Birch
104755014*2023 Nov	10/24/2023	\$35.47	2023*9/18-10/18 WA street
104755015*2023 Nov	10/24/2023	\$47.75	2023*9/18-10/18 Camden Way

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Reference	Date	Amount	Notes
104755016*2023 Nov	10/24/2023	\$43.77	2023*9/18-10/18 Parkside Loop
104755017*2023 Nov	10/24/2023	\$62.05	2023*9/18-10/18 3rd Ave NW Pump
104755018*2023 Nov	10/24/2023	\$860.83	2023*9/18-10/18 Various Its
104755019*2023 Nov	10/24/2023	\$54.26	2023*9/18-10/18 Chieri Ct Sewer Station
104755020*2023 Nov	10/24/2023	\$556.85	2023*9/18-10/18 Birch Ave Well #5
104755021*2023 Nov	10/24/2023	\$152.41	2023*9/18-10/18 Jefferson Sewer Pump
104755022*2023 Nov	10/24/2023	\$219.04	2023*9/18-10/18 Rush Rd Pump
104755023*2023 Nov	10/24/2023	\$46.01	2023*9/18-10/18 Rowell Well #3
104755024*2023 Nov	10/24/2023	\$130.99	2023*9/18-10/18 Front St Well #2
104755025*2023 Nov	10/24/2023	\$203.65	2023*9/18-10/18 W WA sewer pump
104755026*2023 Nov	10/24/2023	\$35.22	2023*9/18-10/18 Koontz
10475505*2023 Nov	10/24/2023	\$42.10	2023*9/18-10/18 Ball Park
115588001*2023 Nov	10/24/2023	\$54.76	2023*9/18-10/18 Rathburn
115588002*2023 Nov	10/24/2023	\$41.66	2023*9/18-10/18 Stella
124227002*2023 Nov	10/24/2023	\$463.58	2023*9/18-10/18 Rush Rd Well #6
124227003*2023 Nov	10/24/2023	\$250.30	2023*9/18-10/18 City Hall
128323001*2023 Nov	10/24/2023	\$36.05	2023*9/18-10/18 Ampitheater
128578001*2023 Nov	10/24/2023	\$45.37	2023*9/18-10/18 Rush Rd Lt
128578002*2023 Nov	10/24/2023	\$36.76	2023*9/18-10/18 Hamilton rd
128578003*2023 Nov	10/24/2023	\$36.02	2023*9/18-10/18 Sommerville
128578004*2023 Nov	10/24/2023	\$43.42	2023*9/18-10/18 7th Ave
<b>Reference Number: 38631</b>	<b>Mountain Mist</b>	<b>\$4.32</b>	
005672621	10/30/2023	\$4.32	Water Cooler Rental
<b>Reference Number: 38632</b>	<b>Mrs. Klean Janitorial</b>	<b>\$1,160.00</b>	
2023 Oct Waxing	11/7/2023	\$526.00	Strip and Wax Floors
2023*Nov Cleaning	11/7/2023	\$634.00	2023 Nov - Clean City Hall
<b>Reference Number: 38633</b>	<b>Pete Hinton</b>	<b>\$60.00</b>	
2023*Oct Interpreter	11/6/2023	\$60.00	2023*Oct Interpreter

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Reference	Date	Amount	Notes
<b>Reference Number: 38634</b>	<b>PLATT Electric</b>	<b>\$0.00</b>	
Invoice - 11/6/2023 12:51:29 PM	11/6/2023	\$0.00	
<b>Reference Number: 38635</b>	<b>PumpTech LLC</b>	<b>\$7,857.30</b>	
0199453-IN	10/31/2023	\$7,857.30	Quotes 0178506/A pd in full
<b>Reference Number: 38636</b>	<b>Quill Corporation</b>	<b>\$227.12</b>	
34967754	10/4/2023	\$42.07	
35243622	10/18/2023	\$185.05	
<b>Reference Number: 38637</b>	<b>StressCrete Group</b>	<b>\$1,550.00</b>	
I-Sc3-2310063	10/19/2023	\$1,550.00	Damaged Pole Base- Insurance Claim
<b>Reference Number: 38638</b>	<b>Sweeny's Ace Hardware</b>	<b>\$400.00</b>	
911034	10/2/2023	\$18.32	Contractor Bags
911075	10/3/2023	\$10.77	Simple Green
911133	10/3/2023	\$3.65	Key
911161	10/4/2023	\$9.26	4-pc paint tray set
911168	10/4/2023	\$8.61	Clorox
911291	10/5/2023	\$16.16	Connector 7pole blade
911314	10/5/2023	\$2.26	Mis Fasteners
911340	10/6/2023	\$129.23	12-Clorox Bleach
911711	10/9/2023	\$2.79	Spray Bottle
911863	10/11/2023	\$18.32	Contractor Bags
911865	10/11/2023	\$19.79	metal Cutoff Disks
912006	10/13/2023	\$17.87	Clorox Wipes/mini lamps
912021	10/13/2023	\$9.69	Tire plug kit
912077	10/13/2023	\$10.34	brake fluid
912501	10/19/2023	\$10.77	Mult Mat Drl Bt 4x4x6
912502	10/19/2023	\$9.69	CBD 4" pilot Drill bit
912551	10/19/2023	\$9.26	Brake cleaner
913040	10/25/2023	\$9.69	Duct Tape

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Reference	Date	Amount	Notes
913080	10/26/2023	\$10.34	Brake Fluid
913120	10/26/2023	\$3.41	Mis Fasteners
913157	10/27/2023	\$26.93	Wipes/Stump out/Antifreeze
913462	10/30/2023	\$42.85	JMK Tools/screwdriver/brill bit
<b>Reference Number: 38639</b>	<b>US Cellular</b>	<b>\$1,019.43</b>	
0610515592	10/12/2023	\$150.01	2023* PW Cell Phones 10/12-11/11
0610563862	10/12/2023	\$830.39	PW MIFI 10/12-11/11/ PD cell
0612334055	10/20/2023	\$39.03	2023 US Cell Phone Treasurer 10/20-11/11
<b>Reference Number: 38640</b>	<b>Utilities Underground Location Center</b>	<b>\$14.19</b>	
3100197	10/31/2023	\$14.19	2023*Oct 11 locates
<b>Reference Number: 38641</b>	<b>Vander Stoep, Blinks, Jones &amp; Unzelm</b>	<b>\$1,100.00</b>	
2023*Nov Judge	11/1/2023	\$1,100.00	2023-November Judge
<b>Reference Number: 38642</b>	<b>Washington State Patrol</b>	<b>\$13.25</b>	
I2402370	11/1/2023	\$13.25	CPL Background Checks Tanya Knodel
<b>Reference Number: EFT*20231101</b>	<b>City of Napavine</b>	<b>\$0.00</b>	
2023 Nov fix payroll Bars Numbers O'Neil	10/31/2023	\$0.00	Fix BARS Lopez/O'Neill
<b>Reference Number: EFT*20231102</b>	<b>AFLAC Remittance Processing</b>	<b>\$543.20</b>	
Aflac - 14872	10/16/2023	\$32.36	
Aflac - 14889	10/16/2023	\$27.17	
Aflac - 14892	11/2/2023	\$32.37	
Aflac - 14896	11/1/2023	\$27.17	
Aflac Disability - 14882	10/16/2023	\$95.68	
Aflac Disability - 14887	10/16/2023	\$68.54	
Aflac Disability - 14889	10/16/2023	\$47.84	
Aflac Disability - 14896	11/1/2023	\$47.84	
Aflac Disability - 14902	11/1/2023	\$95.68	

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Reference	Date	Amount Notes
Aflac Disability - 14907	11/1/2023	\$68.55
<b>Reference Number: EFT*20231103</b>	<b>Dept of Retirement Systems</b>	<b>\$7,375.09</b>
Emp Rtmt - 14892	11/2/2023	\$258.19
Emp Rtmt - 14893	11/1/2023	\$253.43
Emp Rtmt - 14894	11/1/2023	\$208.82
Emp Rtmt - 14895	11/1/2023	\$175.93
Emp Rtmt - 14896	11/1/2023	\$321.07
Emp Rtmt - 14897	11/1/2023	\$276.68
Emp Rtmt - 14898	11/1/2023	\$262.38
Emp Rtmt - 14899	11/1/2023	\$272.36
Emp Rtmt - 14901	11/1/2023	\$157.56
Emp Rtmt - 14902	11/1/2023	\$406.75
Emp Rtmt - 14903	11/1/2023	\$276.54
Emp Rtmt - 14904	11/1/2023	\$152.29
Emp Rtmt - 14906	11/1/2023	\$126.34
Emp Rtmt - 14907	11/1/2023	\$334.58
Emp Rtmt - 14908	11/1/2023	\$257.00
Emp Rtmt - 14909	11/1/2023	\$181.23
Taxable Retirement - 14892	11/2/2023	\$413.97
Taxable Retirement - 14893	11/1/2023	\$169.13
Taxable Retirement - 14894	11/1/2023	\$139.36
Taxable Retirement - 14895	11/1/2023	\$282.09
Taxable Retirement - 14896	11/1/2023	\$214.27
Taxable Retirement - 14897	11/1/2023	\$184.65
Taxable Retirement - 14898	11/1/2023	\$175.10
Taxable Retirement - 14899	11/1/2023	\$181.77
Taxable Retirement - 14901	11/1/2023	\$252.63
Taxable Retirement - 14902	11/1/2023	\$271.45
Taxable Retirement - 14903	11/1/2023	\$184.55
Taxable Retirement - 14904	11/1/2023	\$244.18
Taxable Retirement - 14906	11/1/2023	\$202.57

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Reference	Date	Amount	Notes
Taxable Retirement - 14907	11/1/2023	\$245.76	
Taxable Retirement - 14908	11/1/2023	\$171.51	
Taxable Retirement - 14909	11/1/2023	\$120.95	
<b>Reference Number: EFT*20231104</b>	<b>Dept of Treasury Internal Revenue Ser</b>	<b>\$7,544.60</b>	
Federal Income Tax - 14891	10/23/2023	\$22.14	
Federal Income Tax - 14892	11/2/2023	\$759.52	
Federal Income Tax - 14893	11/1/2023	\$308.40	
Federal Income Tax - 14894	11/1/2023	\$158.58	
Federal Income Tax - 14895	11/1/2023	\$486.10	
Federal Income Tax - 14896	11/1/2023	\$372.67	
Federal Income Tax - 14897	11/1/2023	\$252.84	
Federal Income Tax - 14898	11/1/2023	\$362.06	
Federal Income Tax - 14899	11/1/2023	\$244.60	
Federal Income Tax - 14901	11/1/2023	\$398.86	
Federal Income Tax - 14902	11/1/2023	\$650.21	
Federal Income Tax - 14903	11/1/2023	\$169.09	
Federal Income Tax - 14904	11/1/2023	\$364.14	
Federal Income Tax - 14905	11/1/2023	\$255.71	
Federal Income Tax - 14906	11/1/2023	\$192.62	
Federal Income Tax - 14907	11/1/2023	\$457.41	
Federal Income Tax - 14908	11/1/2023	\$143.69	
Federal Income Tax - 14909	11/1/2023	\$180.76	
Medicare - 14891 (1)	10/23/2023	\$6.39	
Medicare - 14891 (2)	10/23/2023	\$6.39	
Medicare - 14892 (1)	11/2/2023	\$70.91	
Medicare - 14892 (2)	11/2/2023	\$70.91	
Medicare - 14893 (1)	11/1/2023	\$38.56	
Medicare - 14893 (2)	11/1/2023	\$38.56	
Medicare - 14894 (1)	11/1/2023	\$31.77	
Medicare - 14894 (2)	11/1/2023	\$31.77	
Medicare - 14895 (1)	11/1/2023	\$48.10	

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Reference	Date	Amount	Notes
Medicare - 14895 (2)	11/1/2023	\$48.10	
Medicare - 14896 (1)	11/1/2023	\$48.85	
Medicare - 14896 (2)	11/1/2023	\$48.85	
Medicare - 14897 (1)	11/1/2023	\$42.10	
Medicare - 14897 (2)	11/1/2023	\$42.10	
Medicare - 14898 (1)	11/1/2023	\$39.92	
Medicare - 14898 (2)	11/1/2023	\$39.92	
Medicare - 14899 (1)	11/1/2023	\$41.44	
Medicare - 14899 (2)	11/1/2023	\$41.44	
Medicare - 14901 (1)	11/1/2023	\$43.07	
Medicare - 14901 (2)	11/1/2023	\$43.07	
Medicare - 14902 (1)	11/1/2023	\$61.89	
Medicare - 14902 (2)	11/1/2023	\$61.89	
Medicare - 14903 (1)	11/1/2023	\$42.08	
Medicare - 14903 (2)	11/1/2023	\$42.08	
Medicare - 14904 (1)	11/1/2023	\$41.51	
Medicare - 14904 (2)	11/1/2023	\$41.51	
Medicare - 14905 (1)	11/1/2023	\$32.91	
Medicare - 14905 (2)	11/1/2023	\$32.91	
Medicare - 14906 (1)	11/1/2023	\$34.80	
Medicare - 14906 (2)	11/1/2023	\$34.80	
Medicare - 14907 (1)	11/1/2023	\$50.91	
Medicare - 14907 (2)	11/1/2023	\$50.91	
Medicare - 14908 (1)	11/1/2023	\$39.10	
Medicare - 14908 (2)	11/1/2023	\$39.10	
Medicare - 14909 (1)	11/1/2023	\$27.57	
Medicare - 14909 (2)	11/1/2023	\$27.57	
Social Security Tax - 14905 (1)	11/1/2023	\$140.72	
Social Security Tax - 14905 (2)	11/1/2023	\$140.72	
<b>Reference Number: EFT*20231105</b>	<b>Nationwide Retirement Solutions</b>	<b>\$6,209.64</b>	
Deferred Comp - 14872	10/16/2023	\$150.00	

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Reference	Date	Amount	Notes
Deferred Comp - 14873	10/16/2023	\$150.00	
Deferred Comp - 14874	10/16/2023	\$100.00	
Deferred Comp - 14877	10/16/2023	\$294.88	
Deferred Comp - 14879	10/16/2023	\$50.00	
Deferred Comp - 14880	10/16/2023	\$100.00	
Deferred Comp - 14881	10/16/2023	\$50.00	
Deferred Comp - 14882	10/16/2023	\$150.00	
Deferred Comp - 14883	10/16/2023	\$200.00	
Deferred Comp - 14884	10/16/2023	\$100.00	
Deferred Comp - 14886	10/16/2023	\$25.00	
Deferred Comp - 14887	10/16/2023	\$300.00	
Deferred Comp - 14888	10/16/2023	\$100.00	
Deferred Comp - 14889	10/16/2023	\$300.00	
Deferred Comp - 14892	11/2/2023	\$150.00	
Deferred Comp - 14893	11/1/2023	\$150.00	
Deferred Comp - 14894	11/1/2023	\$100.00	
Deferred Comp - 14896	11/1/2023	\$300.00	
Deferred Comp - 14897	11/1/2023	\$294.88	
Deferred Comp - 14899	11/1/2023	\$50.00	
Deferred Comp - 14901	11/1/2023	\$50.00	
Deferred Comp - 14902	11/1/2023	\$150.00	
Deferred Comp - 14903	11/1/2023	\$200.00	
Deferred Comp - 14904	11/1/2023	\$100.00	
Deferred Comp - 14906	11/1/2023	\$25.00	
Deferred Comp - 14907	11/1/2023	\$300.00	
Deferred Comp - 14908	11/1/2023	\$100.00	
Deferred Comp - 14909	11/1/2023	\$100.00	
Deferred Comp Match - 14892	11/2/2023	\$150.00	
Deferred Comp Match - 14893	11/1/2023	\$150.00	
Deferred Comp Match - 14894	11/1/2023	\$100.00	
Deferred Comp Match - 14896	11/1/2023	\$300.00	
Deferred Comp Match - 14897	11/1/2023	\$294.88	



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Reference	Date	Amount	Notes
Deferred Comp Match - 14899	11/1/2023	\$50.00	
Deferred Comp Match - 14901	11/1/2023	\$50.00	
Deferred Comp Match - 14902	11/1/2023	\$150.00	
Deferred Comp Match - 14903	11/1/2023	\$200.00	
Deferred Comp Match - 14904	11/1/2023	\$100.00	
Deferred Comp Match - 14906	11/1/2023	\$25.00	
Deferred Comp Match - 14907	11/1/2023	\$300.00	
Deferred Comp Match - 14908	11/1/2023	\$100.00	
Deferred Comp Match - 14909	11/1/2023	\$100.00	
<b>Reference Number: EFT*20231106</b>	<b>Washington Teamsters Welfare Trust</b>	<b>\$273.60</b>	
Vision Insurance - 14882	10/16/2023	\$8.55	
Vision Insurance - 14883	10/16/2023	\$8.55	
Vision Insurance - 14887	10/16/2023	\$8.55	
Vision Insurance - 14888	10/16/2023	\$8.55	
Vision Insurance - 14892	11/2/2023	\$17.10	
Vision Insurance - 14893	11/1/2023	\$17.10	
Vision Insurance - 14894	11/1/2023	\$17.10	
Vision Insurance - 14895	11/1/2023	\$17.10	
Vision Insurance - 14896	11/1/2023	\$17.10	
Vision Insurance - 14897	11/1/2023	\$17.10	
Vision Insurance - 14898	11/1/2023	\$17.10	
Vision Insurance - 14899	11/1/2023	\$17.10	
Vision Insurance - 14901	11/1/2023	\$17.10	
Vision Insurance - 14902	11/1/2023	\$8.55	
Vision Insurance - 14903	11/1/2023	\$8.55	
Vision Insurance - 14904	11/1/2023	\$17.10	
Vision Insurance - 14906	11/1/2023	\$17.10	
Vision Insurance - 14907	11/1/2023	\$8.55	
Vision Insurance - 14908	11/1/2023	\$8.55	
Vision Insurance - 14909	11/1/2023	\$17.10	

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Reference	Date	Amount	Notes
<b>Reference Number: EFT*20231107</b>	<b>Vimly Benefit Solutions, Inc</b>	<b>\$17,022.16</b>	
2023*Nov LEOFF I Medical	11/2/2023	\$742.50	
Medical Dental - 14882	10/16/2023	\$46.56	
Medical Dental - 14883	10/16/2023	\$335.42	
Medical Dental - 14887	10/16/2023	\$15.67	
Medical Dental - 14888	10/16/2023	\$263.14	
Medical Dental - 14902	11/1/2023	\$46.56	
Medical Dental - 14903	11/1/2023	\$335.42	
Medical Dental - 14907	11/1/2023	\$15.67	
Medical Dental - 14908	11/1/2023	\$263.14	
Medical/Dental - 14892	11/2/2023	\$929.84	
Medical/Dental - 14893	11/1/2023	\$929.84	
Medical/Dental - 14894	11/1/2023	\$929.84	
Medical/Dental - 14895	11/1/2023	\$929.84	
Medical/Dental - 14896	11/1/2023	\$929.84	
Medical/Dental - 14897	11/1/2023	\$929.84	
Medical/Dental - 14898	11/1/2023	\$929.84	
Medical/Dental - 14899	11/1/2023	\$929.84	
Medical/Dental - 14901	11/1/2023	\$929.84	
Medical/Dental - 14902	11/1/2023	\$950.00	
Medical/Dental - 14903	11/1/2023	\$950.00	
Medical/Dental - 14904	11/1/2023	\$929.84	
Medical/Dental - 14906	11/1/2023	\$929.84	
Medical/Dental - 14907	11/1/2023	\$950.00	
Medical/Dental - 14908	11/1/2023	\$950.00	
Medical/Dental - 14909	11/1/2023	\$929.84	
<b>Reference Number: EFT*20231108</b>	<b>Dept of Revenue</b>	<b>\$1,215.28</b>	
2023*Sept Excise Tax	10/27/2023	\$1,215.28	2023*Sept Excise Tax
<b>Reference Number: EFT*20231109</b>	<b>US Cellular</b>	<b>\$54.86</b>	
0608355759	10/2/2023	\$54.86	2023*10/2-11/1 Mayor cell phone

Council Date: 2023 - November - November 2023 1st Council Meeting

Reference	Date	Amount	Notes
<b>Reference Number: EFT*20231110</b> 2023*Nov 206-T21-6528 954	<b>Centurylink</b> 10/20/2023	<b>\$56.37</b>	\$56.37 2023 - Oct 20-Nov 20 Well Telemetry 206T
<b>Reference Number: EFT*20231111</b> 104979801-0010439	<b>WAVE</b> 10/17/2023	<b>\$145.17</b>	\$145.17 2023 WAVE Internet 10/19-11/18
<b>Reference Number: EFT*20231112</b> 032768701-0010450	<b>WAVE</b> 10/23/2023	<b>\$94.47</b>	\$94.47 2023- WAVE Internet 10/23-11/22 PW
<b>Reference Number: EFT*20231113</b> 032776101-0010439	<b>WAVE</b> 10/17/2023	<b>\$125.07</b>	\$125.07 2023- WAVE Phone 10/19-11/18
<b>Reference Number: EFT*20231114</b> NV0000071 Knodel NV0000072 Matteson NV0000073 Matteson	<b>Dept of Licensing Firearms Desk</b> 10/24/2023 10/24/2023 10/24/2023	<b>\$54.00</b>	\$18.00 \$18.00 NV0000072 Matteson \$18.00 NV0000073 Matteson
<b>Reference Number: EFT*20231115</b> 81129461	<b>DE Lage Landen Financial Services</b> 10/7/2023	<b>\$464.00</b>	\$464.00 2023 - Oct Sharp MX3071
<b>Reference Number: Nichols Payroll Fix</b> ACH Pay - 14891	<b>Payroll Vendor</b> 10/23/2023	<b>\$411.89</b>	\$411.89
<b>Reference Number: Oct 16-31, 2023</b> ACH Pay - 14892 ACH Pay - 14893 ACH Pay - 14894 ACH Pay - 14895 ACH Pay - 14896 ACH Pay - 14897 ACH Pay - 14898	<b>Payroll Vendor</b> 11/2/2023 11/2/2023 11/2/2023 11/2/2023 11/2/2023 11/2/2023 11/2/2023	<b>\$35,978.11</b>	\$3,338.05 \$1,723.22 \$1,697.87 \$2,390.94 \$2,309.83 \$2,051.35 \$2,096.98

Reference	Date	Amount	Notes
ACH Pay - 14899	11/2/2023	\$2,245.76	
ACH Pay - 14901	11/2/2023	\$2,122.15	
ACH Pay - 14902	11/2/2023	\$2,863.79	
ACH Pay - 14903	11/2/2023	\$1,863.70	
ACH Pay - 14904	11/2/2023	\$2,009.60	
ACH Pay - 14905	11/2/2023	\$1,787.56	
ACH Pay - 14906	11/2/2023	\$1,848.39	
ACH Pay - 14907	11/2/2023	\$2,333.05	
ACH Pay - 14908	11/2/2023	\$1,894.90	
ACH Pay - 14909	11/2/2023	\$1,400.97	
<b>TOTAL</b>		<b>\$219,220.35</b>	

**The following voucher/warrants/electronic payments are approved for payment:**

Accounts Payable	32	111	140,399.84	38611-38642
Payroll Vendors	2	2	1,253.00	38609-10
Electronic Payments	9	9	2,209.22	EFT*20231101/08-15
Electronic Payroll	6	6	38,968.29	EFT*20231102-07
ACH Direct Deposit	1	1	411.89	Direct Deposit Nichols
ACH Direct Deposit	17	17	35,978.11	Direct Deposit 11/5/2023
<b>Total Vouchers</b>	<b>67</b>	<b>146</b>	<b>\$219,220.35</b>	

Void Check 38608

WE, THE FOLLOWING SIGNEES, APPROVE THE VOUCHERS FOR PAYMENT:

MAYOR: \_\_\_\_\_

TREASURER: \_\_\_\_\_

COUNCILOR #1: \_\_\_\_\_

COUNCILOR #2: \_\_\_\_\_

COUNCILOR #3: \_\_\_\_\_

COUNCILOR #4: \_\_\_\_\_

COUNCILOR #5: \_\_\_\_\_

Council Date: 2023 - November - November 2023 1st Council Meeting

Reference	Date	Amount	Notes
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Police Department - John Brockmueller \_\_\_\_\_

Public Works/Community Development - Bryan Morris \_\_\_\_\_

Court- Lacie Dewitt \_\_\_\_\_

City Clerk - Rachelle Denham: \_\_\_\_\_

DATED THIS    DAY OF           , 2023

**ORDINANCE NO. 654**

**AN ORDINANCE OF THE CITY OF NAPAVINE,  
WASHINGTON, DETERMINING AND FIXING THE  
AMOUNT OF REVENUE TO BE RAISED BY AD VALOREM  
TAXES DURING THE CALENDAR YEAR 2024**

**THE CITY COUNCIL OF THE CITY OF NAPAVINE, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** The amount of revenue to be raised by Ad Valorem Taxes in the City of Napavine, Washington, during the calendar year 2024 shall be, and the same hereby is determined and fixed in the sum of \$369,776.86 (Three Hundred Sixty Nine Thousand Seven Hundred Seventy Six Dollars and Eighty Six cents).

**Section 2. Effective Date.** This ordinance shall be in full force and take effect on January 1, 2024, pursuant to RCW 35A.12.130.

**PASSED** by the City Council of the City of Napavine, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 14th day of November 2023.

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Mayor Shawn O'Neill

Attest:

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City Clerk, Rachelle Denham

Approved as to form:

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City Attorney

PASSED:     /     / 2023

PUBLISHED DATE:     /     / 2023

EFFECTIVE DATE: 01/01/2024



Ordinance / Resolution No. 23-11-145
RCW 84.55.120

WHEREAS, the Napavine City Council of City of Napavine has met and considered its budget for the calendar year 2024; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 360,000.00; and,

WHEREAS, the population of this district is less than 10,000; and now, therefore,

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2024 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 9,776.86 which is a percentage increase of 2.716% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this day of November, 2023.

Three horizontal lines for signatures on the left and right sides.

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc.

To ask about the availability of this publication in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

**RESOLUTION NO. 23-11-146**

**A RESOLUTION OF THE CITY OF NAPAVINE, WASHINGTON, FINALIZING THE UPDATE OF THE CAPITAL FACILITIES PLAN (CFP) FOR THE CITY OF NAPAVINE.**

**WHEREAS**, the Washington State Legislature passed, and the Governor signed into law, the Washington State Growth Management Act (GMA) of 1990 and amendments thereto (hereinafter the Act), requiring selected counties and cities to prepare comprehensive plans consistent with the provisions of the Act, all as generally codified at Chapter 36.70A RCW; and

**WHEREAS**, the Act requires municipalities to establish within their comprehensive plans, a Capital Facilities Element, including level of service standards and a six-year minimum financing plan to identify anticipated revenue sources and capital projects, including their anticipated costs, required to meet the established level of service standards; and

**WHEREAS**, the Capital Facilities Element is contained in the Napavine Comprehensive Plan (hereinafter the Comp Plan), and the Napavine Municipal Code states the City Council can reserve the authority to consider and act upon any suggested amendment without referring the suggested amendment to the applicable advisory body for recommendation; and

**WHEREAS**, to be in compliance with the Act and the City's annual budget process, the Capital Facilities Plan needs to incorporate a six-year planning period; and;

**WHEREAS**, the first year of the Capital Facilities Plan period is designed to be incorporated in the City's budget; and;

**WHEREAS**, in previous years the Planning Commission held a public hearing to obtain public input on the Capital Facilities Element and provided a recommendation to the City Council; and

**WHEREAS**, the City Council of the City of Napavine is desirous of amending the established process of having the Planning Commission review the Capital Facilities Element annually to be consistent with the City's annual budget process; and

**WHEREAS**, the City Council has acknowledged through the roadmap setting the process that establishment of the Capital Facilities Plan in an essential element to the future financial planning process for the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NAPAVINE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

**Section 1.** Capital Facilities Plan Adopted. The Napavine Capital Facilities Plan attached hereto and incorporated by reference is hereby adopted. The Plan shall be known as the "2024-2029 Napavine Capital Facilities Plan" and is the City's generalized coordinated capital facilities document adopted pursuant to RCW 35A.63.072.

**Section 2.** All capital improvement projects to be included in the CFP must fall within the following project categories with a minimum project cost of \$25,000; and capital equipment with a minimum equipment cost of \$5,000



- 1) Permanent improvement of land and/or infrastructure such as:
  - a. Street Construction, transportation improvement, etc.
  - b. Sidewalk/walkway construction
  - c. Public facilities
  - d. Sewer facilities
  - e. Water facilities
  - f. Office/building remodel
  - g. Recreational facilities
- 2) Land acquisition
- 3) Special projects such as large-scale landscaping projects, neighborhood improvements and other special projects.
- 4) Capital Equipment

**Section 3.** All capital facilities projects included in the six-year Capital Facilities Plan shall be funded with revenue anticipated in the year the project is programmed. The first year of the six-year Capital Facilities Plan shall be incorporated into the City's annual budget. The following City funds may be used for capital facilities projects:

- A. General Fund
- B. Park Improvement Fund
- C. Capital Equipment Improvement Fund
- D. City Street Fund
- E. Street Equipment Fund
- F. Street Improvement Fund
- G. Water System Improvement Fund
- H. Water Equipment Fund
- I. Wastewater System Improvement Fund
- J. Sewer Equipment Fund
- K. Any new funds established by City Council for specific projects
- L. Federal, state and local grants
- M. Other funding sources such as contributions from private sources

**Section 4.** The City Council may at any time during a calendar year find it necessary to revise the priorities and projects in the adopted CFP based upon special circumstances. In the event the Council deems it necessary to make a change, they may request the department heads for its evaluation and recommendation.

**Section 5.** The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers any references thereto.

PASSED this \_\_\_\_\_ day of November, 2023.

APPROVED:

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Shawn O'Neill, Mayor

Attest:

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Rachelle Denham, City Clerk

Approved as to form and content:

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City Attorney

# City of Napavine



## Capital Facilities Plan

2024 - 2029 Capital Facilities Plan for future capital equipment, facilities and projects.

## General Government

### Administrative Services

PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	Total
<b>Clerks Office</b>									
Printer	Replace Existing	GF Equipment	\$ 500.00						\$ 500.00
Computers	Replace Existing	GF Equipment	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ -			\$ 6,000.00
<b>Court/Council/Planning</b>									
Hearing impaired Equip	New	ARPA	\$ 1,500.00	\$ -					\$ 1,500.00
Computers	Replace Existing	GF Equipment	-	-	\$ 3,500.00	\$ 3,500.00	-		\$ 7,000.00
Laptop	Replace Existing	GF Equipment	-	-	\$ 2,500.00	-			\$ 2,500.00
Tablets	Purchase New	GF Equipment	-	-	\$ 300.00	\$ 300.00	\$ 300.00		\$ 900.00
Scanner	Replace Existing	GF Equipment	-	-	-	\$ 1,000.00	-		\$ 1,000.00
Scanner	Purchase New	GF Equipment	-	-	-	-	\$ 1,000.00		\$ 1,000.00
Printers	Replace Existing	GF Equipment	-	-	\$ 750.00	\$ 750.00	-		\$ 1,500.00
Comp Plan Update	Update	General Fund	\$ 100,000.00	\$ 50,000.00					\$ 150,000.00
<b>Mayor's Office</b>									
Laptop	Replace Existing	General Fund			\$ 2,000.00	\$ -			\$ 2,000.00
<b>TOTAL Administrative Services</b>			\$ 104,000.00	\$ 52,000.00	\$ 11,050.00	\$ 5,550.00			\$ 173,900.00

**CITY OF NAPA VINE**  
**CAPITAL FACILITY PLAN - INVENTORY/PROJECTS**  
**2024 - 2029**

<b>General Government</b>									
<b>POLICE DEPARTMENT</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	Total
Vehicle Laptops	Replace Vehicle Laptops	Criminal Justice Fund			-		35,000.00		35,000.00
Vehicle Purchase	Replace patrol vehicles as needed	Criminal Justice Fund	\$ -	\$ 60,000.00	\$ -	\$ -			\$ 60,000.00
Office Desktops	Replace Desktop Computers	Criminal Justice Fund			\$ 18,000.00	\$ -			\$ 18,000.00
<b>TOTAL</b>	<b>Police Department</b>		\$ -	\$ 60,000.00	\$ 18,000.00	\$ -	\$ -	\$ -	\$ 78,000.00

<b>PUBLIC WORKS</b>									
<b>CAPITAL EQUIPMENT</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	Total
Sweeper	New Equipment	Water/Sewer/Streets	50,000	-					50,000
Pickup	Replace	Street Water, Sewer Capital Equipment		25,000	-				25,000
<b>TOTAL Public Works</b>			50,000	25,000	-				75,000

<b>PUBLIC WORKS</b>									
<b>STREET SYSTEM</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
All Arterial Roads	Chip Seal & Restripe	TIB	-	-	50,000	400,000	-		450,000
2nd Ave SE		TIB	193,168						193,168
Rush Rd (Bridge to I-5)	Grind Reasphalt 8" depth	Federal Funds/TIB	405,000	-					405,000
Rush Rd Stella to Bridge	Grind Reasphalt	TIB Grant	80,000	-					80,000
Mill Road from Wash. to City Limits	Re-construction roadway	Dedicated Fund Grant/LID or Development				130,000	-	-	130,000
Bridge to Hamilton int	Traffic Control Devices	Developer fees	60,000					-	60,000
Rush Rd to Stella Bridge	Sidewalks	Sidewalks						-	-
	Bike Lanes	Improvement, Grants or Development		1,500,000	1,500,000	-			3,000,000
	Grind Asphalt								
<b>TOTAL - Street</b>			738,168	1,500,000	1,550,000	530,000	-	-	4,318,168

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - PROJECTS**  
**2024-2029**

<b>Community Services</b>									
<b>PARKS AND PUBLIC FACILITIES</b>									
<b>PROJECT</b>	<b>DESCRIPTION</b>	<b>REVENUE SOURCE</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>TOTAL</b>
<b>PARKS</b>									
<b>West Side Park</b> 2" asphalt overlay	Pave City Park Birch St. Entrance and Parking Lot	Park Improvement Fund/Donations				26,000	-	-	26,000
<b>West Side Park</b> 2" asphalt mat on walking paths	Pave internal walking paths	Park Improvement Fund/Donations			8,300	-	-		8,300
<b>West Side Park</b> Add Nature Walking Trails	Cont. Building Nature trails w/view stations & oxbows	Park Improvement Fund/Donations	15,500	-	-				15,500
<b>Mayme Shaddock/ West Side Park</b>	Picnic Tables 10 @ \$800 ea	Parks Maint.							-
<b>Mayme Shaddock</b>	Build or reconstruct kitchen area to be enclosed with bathroom facilities and heating	Park Capital facilities RCO Grant donations LC ARPA	5,000						5,000
<b>PUBLIC FACILITIES</b>									
<b>City Hall</b>	Various Improv	General Fund Capital Equipment	-	15,000	7,000				22,000
<b>City Hall</b>	Repaint Exterior	General Fund Capital Equipment		7,000					7,000
<b>TOTAL - Community Services</b>			<b>20,500</b>	<b>22,000</b>	<b>15,300</b>	<b>26,000</b>	<b>-</b>	<b>-</b>	<b>83,800</b>

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - PROJECTS**  
**2024-2029**

PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
<b>PUBLIC WORKS</b>									
<b>SEWER SYSTEM</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
Jeferson St Sewer Station	Reconstruction	LC EDC/.09 Funds & Wastewater System Improvement Fund	1,170,000	2,000,000					3,170,000
Napa Estates Sewer Station	Replace	Generator	62,100						62,100
Rush Rd Sewer Station	Reconstruction	Wastewater System Improvement Fund		500,000					500,000
<b>TOTAL - Sewer</b>			<b>1,232,100</b>	<b>2,500,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,732,100</b>



**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - PROJECTS**  
**2024-2029**

PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
<b>PUBLIC WORKS</b>									
<b>STREET SYSTEM</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
All Arterial Roads	Chip Seal & Restripe	Streets, Street Improvement Fund, TIB Grants	-	-	50,000	400,000	-		450,000
Rush Rd (Bridge to I-5)	Grind Reasphalt 8" depth	Street Improvement Fund, TIB Grants	405,000	-					405,000
2nd Ave SE		Street Improvement TIB	193,869						193,869
Rush Rd Stella to Bridge	Pre Level, Chip Seal & Stripe	TIB Grant	80,000	-					80,000
Mill Road from Wash. to City Limits	Re-construction roadway, drainage and street lighting	Dedicated Fund Grant/LID or Development				130,000	-	-	130,000
Bridge To Hamilton intersection	Traffic Control Devices	Improvement, Grants or Development	60,000						60,000
Rush Rd to Stella Bridge	Grind Asphalt Sidewalks Bikelanes	Grants or Developer		1,500,000	1,500,000	-			3,000,000
<b>TOTAL - Street</b>			<b>738,869</b>	<b>-</b>	<b>1,550,000</b>	<b>530,000</b>	<b>-</b>	<b>-</b>	<b>4,318,869</b>

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - PROJECTS**  
**2024-2029**

PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
<b>PUBLIC WORKS</b>									
<b>Pedestrian Routes</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
W. Washington from Birch Ave to 8th	Lighting	Grants Capital Improv.					130,000	-	130,000
Branch Ave to 3rd Ave NW	Construct 5 foot sidewalks on one side of the street.	Street Improvement Fund/TIB State Grant				40,000	-		40,000
<b>TOTAL - Pedestrian Routes</b>						40,000	130,000	-	170,000

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - PROJECTS**  
**2024-2029**

PROJECT	DESCRIPTION	REVENUE SOURCE	2024	2025	2026	2027	2028	2029	TOTAL
<b>PUBLIC WORKS</b>									
<b>WATER SYSTEM</b>									
PROJECT	DESCRIPTION	REVENUE SOURCE	2023	2024	2025	2026	2027	2028	TOTAL
Reservoir #1 Tower	Resurface Interior & exterior of reservoir	Water Improvement Fund, Grants				409,000	-	-	409,000
3rd Ave. NW Main (WA to Vine)	Replace undersize mains to 8" lines - Connect to existing 8" line on 3rd Ave NW	Water Operating Fund	18,500	-					18,500
Water System Plan		Water Improvement Fund Grant	150,000						150,000
Booster Pumps	Telemetry	Water Improvement Fund	-						-
Well 6 Treatment Plant Rush Rd	New Drivers	Water Capital Equipment Fund	15,000						15,000
<b>TOTAL - Water System</b>			183,500	-	-	409,000	-	-	592,500

<b>ARPA FUNDING PROJECTS</b>									
<b>Court System</b>									
<b>PROJECT</b>	<b>DESCRIPTION</b>	<b>VENUE SOURCE</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>TOTAL</b>
Sound Equip	New	ARPA	1,000	-					1,000
	<b>Total Court</b>		1,000						1,000
<b>Police Dept</b>									-
Camera System	New	ARPA	86,503						86,503
	<b>Total Police</b>		86,503						86,503
<b>Street Project</b>									
		ARPA	30,000						
									-
Water Project	Reconstruction	ARPA	35,607						35,607
									-
Sewer Project	Reconstruction	ARPA	20,000						20,000
Total PW Projects			85,607						85,607
<b>TOTAL - ARPA</b>			173,110	-	-	-	-	-	173,110

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - INVENTORY**  
**2024-2029**

<b>Community Services</b>								
<b>Parks and Public Facilities- Inventory</b>								
Existing	Description	Acquired	Cost	Condition	Improvmt Req	Est. cost	Funding	Year
<b>West Side Park 207 W Washington St #008372002005</b>	28 Acre Park With 3 baseball fields playground area, day use area	3/1/2000	\$ 100,000	Good	Skate Park	\$ 380,000	Park Imprvmt Fund, Grants, Donations	Future
#008372002007	concession stand & nature trails	12/5/2002						
<b>Mayme Shaddock Park 552 2nd Ave NE #008088000000</b>	1 acre parcel, picnic area w/bbq's playground area	1913 est.		Good	Big Toy	\$ 50,000	Park Imprvmt Fund, Grants, Donations	future
<b>Robert Cook Park Grand Ave #008358103000</b>	.11 acre parcel, with swings & basketball court	2001	Donation	Good	None			
<b>Public Works Building 101 SE Front St #008064000000</b>	General Purpose Storage for Public Works Equipment 1152 sq	1982		Good	None	\$ -		
<b>Pedestrian OverPass E Park St to E Branch Ct</b>	Pedestrian/Bicycle/ Overpass	2005	\$ 1,976,069	Good	None			
<b>TOTAL</b>			\$ 2,076,069			\$ 430,000		

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - INVENTORY**  
**2024-2029**

Existing	Description	Acquired	Cost	Condition	Improvmt Req	Est. cost	Funding	Year
<b>Equipment - Inventory</b>								
<b>COMMUNITY DEVELOPMENT</b>								
Equipment	Description	Acquired	Cost	Condition	Imprvmt Required	Est. Cost	Funding	Year
2018 Ford	F-150	2018	\$ 44,400	Good	None		General Fund CD	
<b>TOTAL</b>			\$ 44,400					

<b>PUBLIC WORKS</b>								
<b>Equipment/Vehicles</b>								
John Deere	310 SE Loader/Replace	2023	\$ 128,000	New			Water, Sewer, Street	
Laymoore	Street Sweeper	2002	\$ 14,000	Good	None		Street Fund	
2000 Strong	SC8 Sweeper	2012	\$ 39,015	Good	Replace	\$ 60,000	Water, Sewer, Street	2024
2006 Ford	SD XL Bucket Truck	2018	\$ 20,865	Good	None		Water, Sewer, Street	
1985 Ford	F-9000 10 yard Dump Truck	1985	\$ 15,000	Good	None		Water, Sewer, Street	
2008 Dodge	Ram 2500 Pickup Truck	2019	\$ 13,200	Good	Upgrade to snow plow		Street Fund	2024
1999 Ford	F350 Dump Truck	2018	\$ 13,780	Good	None		Water, Sewer, Street	
2006 Chevrolet	1500 Pick Up Truck	2015	\$ 9,900	Good	None		Water, Sewer, Street	
2006 Chevrolet	2CH Pick Up Truck	2010	\$ 12,000	Good	None		Water, Sewer, Street	
2002 Chevrolet	2500 HD Utility Truck	2010	\$ 5,000	Good	None		Water, Sewer, Street	
1990 International	490 CC Boomtruck	2015	\$ 25,000	Good	Surplus 2024		Water, Sewer, Street	
2018 Bulldog	Water Flatbed Trailer	2018	\$ 15,405	Good	None		Water, Sewer, Street	

**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - INVENTORY**  
**2024-2029**

Existing	Description	Acquired	Cost	Condition	Improvmnt Req	Est. cost	Funding	Year
2010 Bulldog	Tiltbed Trailer	2010	\$ 5,000	Good	None		Water, Sewer, Street	
<b>Total - Equipment</b>			\$ 359,560			\$ 60,000		

**CITY OF NAPA VINE**  
**CAPITAL FACILITY PLAN - INVENTORY**  
**2024-2029**

Existing	Description	Acquired	Cost	Condition	Improvmt Req	Est. cost	Funding	Year
<b>Public Works</b>								
<b>Sewer System - Inventory</b>								
Facility	Address	Acquired	Capacity	Condition	Improvmt Required	Cost	Funding	Year
Pump Station #1	Rush Road	1980	40,000 gallon	Good Refit in 2001			Sewer Syst Imp Fund	
Pump Station #2	Jefferson	1980	40,000 gallon	Good	Yes	\$ 3,500,000	LC EDC .09 Funds	2026
Pump Station #3	Washington St.	2006	40,000 gallon	Good	None		Sewer Syst Imp Fund	
Pump Station #4	Grand Blvd	Reconstructed 2014	25,000 gallon	Good	None		Sewer Syst Imp Fund	
Pump Station #5	Napa Estates	Reconstructed 2011	10,000 gallon	Good	Generator	\$ 56,000	ARPA	2024
<b>Total - Sewer</b>						\$ 3,556,000		



**CITY OF NAPAVINE**  
**CAPITAL FACILITY PLAN - INVENTORY**  
**2024-2029**

Existing	Description	Acquired	Cost	Condition	Improvmt Req	Est. cost	Funding	Year
<b>Public Works</b>								
<b>Water System - Inventory</b>								
Facility	Address	Acquired	Capacity	Condition	Improvmt Required	Cost	Funding	Year
Reservoir	407 Birch Ave. SW	2000	350,000 gallons	Good	none			
Reservoir	214 Front Avenue SE	1974	100,000 gallons	Good	none			
Reservoir	1206 Rush Road	2014	80,000 gallons	Good	none			
Booster Pump Station	409 Birch Ave. SW	2000		Good	none			
Well #1	214 Front Ave. SE	1952	off line	Poor	Needs to be cored and rescreened	\$ 409,000	Water System Imp Fund	Future
Well #2	214 Front Ave. SE	1960	100 gpm	Good	None			
Well #3	401 Rowell St. E	1980	60 gpm	Good	None			
Well #4	409 Birch Ave. SW	1996	120 gpm	Good	None			
Well #5	207 Washington St W.	2000	120 gpm	Good	None			
Well #6	1206 Rush Road	2007	140 gpm	Good			Water Fund	
Well #6 Treatment Plant	1206 Rush Road	2020		Good	New Drives	\$ 20,000	Water Equip Fund	2023
<b>Total - Water System</b>						\$ 429,000		

**POLICE DEPARTMENT****INVENTORY**

Equipment	Description	Acquired	Cost	Condition	Improvmt Req	Est. cost	Funding	Year
2014 Dodge	Charger	2014	\$ 34,500	Good	Replace	\$ 35,000	Criminal Justice Fund	2022
2015 Dodge	Charger	2015	\$ 35,000	Good		\$ 35,000	Criminal Justice Fund	2022
2021 Dodge	Durango	2022	\$ 40,000	Good		\$ 40,000	Criminal Justice Fund	2022
2019 Ford	F150	2019	\$ 53,000	Good		\$ 60,000	Criminal Justice Fund	2025
2023 Dodge	Charger	2023	\$ 38,017	New		\$ 38,017	Insurance	2023
2022 Dodge	Charger	2022	\$ 36,500	Good		\$ 36,500	Criminal Justice Funds	2022
1997 Hauli	Hauli Utility Trailer	1997	\$ 500	Fair	Lights		Water, Sewer, Street	
2023 Dodge	Durango	2023	\$ 43,345	New		\$ 43,345	Criminal Justice Funds	2023
LiveScan	Live Scan	2019	\$ 13,680	Good		\$ -		
<b>Total - Police Department</b>			\$ 294,542			\$ 287,862		

<b>Future General Government</b>			
<b>Administrative Services</b>			
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
Court Computers	Replace Existing	AOC Grant	\$ 2,400.00
Clerk's Office Computers	Replace Existing	Cost Allocation FTE	\$ 8,000.00
Comm. Dev. Comp Plan Update	7-yr update due 2029	General Fund	\$ 150,000.00
<b>TOTAL Administrative Services</b>			<b>\$ 160,400.00</b>

<b>Community Services</b>			
<b>Parks and Public Facilities</b>			
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
WestSide Park Skate Park/Splash Pad	New	Park Improvement Grants	\$ 123,600.00
City Hall		General Fund GF Equipment	\$ 2,000.00
Mayme Shaddock/	Sprinkler System for irrigation of lawn	Capital facilities parks or grants, loans and/or donations	\$ 5,000.00
Robert Cook Park	Big Toy Playground Equipment	Capital facilities parks or grants loans and/or donations	\$ 20,600.00
Mayme Shaddock/ Westide/Robert Cook Parks	Playground Ground Cover	Park Fund/ grants/donations	\$ 2,100.00
<b>TOTAL - Community Services</b>			<b>\$ 153,300.00</b>

<b>Public Works</b>			
<b>Equipment</b>			
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
<b>TOTAL - Public Works Equipment</b>			<b>\$ _____</b>

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
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**Public Works  
Sewer Project**

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
Woodard to I-5	Install 12" main	Development	\$ 500,000.00
Skinner Road	Install new 8" main	Development	\$ 83,000.00
Koontz Rd. Jordan to N Military	Install new 8" main	Development	\$ 1,500,000.00
Koontz Road (Woodard to Jordan)	Install new 12" main	Development/ ULID	\$ 2,500,000.00
Mill Road (Washington to Jordan)	Install new 10" main	Development/ ULID	\$ 206,000.00
Jefferson Sewer Station	Reconstruction	Capitol Imp. Ent. Fund/Grants	\$ 3,500,000.00
Estep Rd. (Forest Napavine to North City Limits)	New Construction	LID Development	\$ 1,340,000.00
<b>TOTAL - Sewer</b>		\$ -	\$ 9,629,000.00

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
<b>Public Works</b>			
<b>Street System</b>			
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
E Sommerville Forest Napavine/ Rush Road Connector Road	New Construction of roadway, drainage sidewalks, curbing and street lighting	Enterprise Fund LID or Development	\$ 1,854,000.00
Wildwood to Rush Road Connector	Develop roadway, drainage sidewalks, curbing and street lighting	Development (Rognlin 2024)	\$ 515,000.00
Forest Napavine to Woodard Road Connector	New Construction of roadway, drainage sidewalks, curbing and street lighting	Grant LID or Development	\$ 772,500.00
Koontz Road from Woodard to Skinner	Re-construction roadway, drainage sidewalks, curbing and street lighting	Development -2025	\$ 154,500.00
Rush Rd. from Stella to Newaukum River Bridge	Widening 3rd lane curbing, sidewalk lighting drainage	Grant Development	\$ 3,100,000.00
Birch Avenue from Wash. to City Limits	Re-construction roadway, drainage sidewalks, curbing and street lighting	Dedicated Fund Grant -2025	\$ 258,000.00
Rush Road from New. River Bridge to City Limits	Re-construction roadway, drainage sidewalks, curbing and street lighting	Dedicated Fund Grant/LID or Development -2026	\$ 824,000.00
Forest Napavine Grand to I-5	Widen, overlay, curb, gutter, sidewalks, stormwater, lighting	Grants ULID local funds	\$ 1,545,000.00

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
<b>PROJECT</b>	<b>DESCRIPTION</b>	<b>REVENUE SOURCE</b>	<b>FUTURE</b>
3rd Ave Vine St. to Grand	Widen install sidewalk w/drainage & walks	Grants local match	\$ 258,000.00
Grand Blvd 4th to Railroad Way	Widen overlay w/drainage & walks	Development	\$670,000.00
2nd Ave NE Stella to Somerville	Widen overlay curbs gutters sidewalks stormwater lighting	Grants Development (2026 STIP)	\$ 1,236,000.00
4th Street Rowell to Rathburn	New construction of curb, gutter, sidewalk, drainage, lighting and roadway	Capital Facilities State Grants Street Improvement Fund	\$ 360,000.00
Rathburn 2nd to 3rd	New construction of curb, gutter, sidewalk, drainage, lighting and roadway	Capital Facilities State Grants Street Improvement Fund	\$ 258,000.00
Widening of Newaukum Bridge	Widening of Newaukum Bridge and adding pedestrian walk paths with lighting	State or Federal Grant Loans or Development	\$ 1,545,000.00
<b>TOTAL - Street</b>			<b>\$ 13,350,000.00</b>

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
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**Public Works**

**Pedestrian Routes**

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
Fifth Ave/ Sixth Ave NW	Construct 5 foot sidewalk on one side of street. Connect to existing.	Dedicated Fund/ LID/Grant Development	\$ 20,600.00
Grand Blvd NW	Construct 5 foot sidewalks on both sides of the street.	Dedicated Fund/ Grant	\$ 57,000.00
8th Ave & from WA to Vine	Construct 5 foot sidewalks on one side of the street. Connect to existing.	Development/  -2028	\$ 80,000.00
<b>TOTAL - Pedestrian Routes</b>		\$ (2,028.00)	\$ 157,600.00

PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
<b>PUBLIC WORKS</b>			
<b>Water</b>			
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
1st Ave. NW Main from Vine to Grand	Replace undersized mains	Water Utility Funds/ Develpmnt ULID	\$ 51,500.00
Woodard Road Main from Koontz to I-5	Construct new 10" water main for future growth	Development -2025	\$ 1,200,000.00
Grand NE Main (5th NE to 2nd NE)	Construct new 8" main to loop	Grants	\$ 350,000.00
Koontz Road Main (Woodard to Skinner)	Replace undersize mains to 10" lines	Development -2024	\$ 80,000.00
Skinner Road Main (Koontz Road to S. City limits)	Install 10" water main	Development	\$ 78,000.00
Grand Blv NW Main (4th NW to 1st NW)	Replace undersize mains to 8" lines	Developer -2026	\$ 130,000.00
2nd Ave. NW Main (Grand to Vine)	Replace undersize mains to 6" lines	Water Utility Fund ULID	\$ 47,000.00
PROJECT	DESCRIPTION	REVENUE SOURCE	FUTURE
3rd Ave. NW Main (Grand to Vine)	Replace undersize mains to 8" lines	Water Utility Fund ULID	\$ 47,000.00
Washington Main (3rd NW to Birch)	Replace undersize mains to 8" lines	Local Funds/ Development	\$ 154,500.00
Mill Road (Washington to Jordan)	Install 10" main	Commercial Development/LID	\$ 154,500.00
Forest Napavine Main (E. Grand to I-5)	Install 12" main	Commercial Development/LID	\$ 490,000.00
State Rte #508 Main (I-5 to Estep Road)	Install 12" main	Commercial Development/LID	\$ 824,000.00
Estep Road Main (Forest Napavine Road to Estep end.	Install 10" main	Development/LID Commercial	\$ 206,000.00
Birch Avenue Park Entrance to Jordan	Install 12" main	Development/LID Water Util Fund	\$ 566,500.00
Washington Avenue/ Hwy #603	Install 12" main	Development/LID	\$ 463,500.00
Forest Napavine Rd Storage Facility	Water Reservoir for future growth	Water Utility Fund Development/Grant	\$ 412,000.00
			\$ 5,254,500.00



## **STORMWATER FACILITIES MAINTENANCE AGREEMENT**

THIS STORMWATER FACILITIES MAINTENANCE AGREEMENT (hereinafter referred to as the “Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between BP PRODUCTS NORTH AMERICA INC., a Maryland corporation, including its heirs, successors, and/or assigns (hereinafter referred to as “Owner”) to and for the benefit of the CITY OF NAPAVINE, a Washington Municipal Corporation (hereinafter referred to as the “Jurisdiction”), and is bound to, concerns and runs with the real property described herein as well as any and all appurtenances, improvements, modifications, and/or repairs associated with said real property.

### RECITALS

A. WHEREAS, the Owner owns certain real property located at 1235 Rush Road, Napavine, WA, 98532 such real property being more particularly described as follows (herein after referred to as the “Subject Property”):

PARCEL E OF BOUNDARY LINE ADJUSTMENT NO. BN-001-012-01, RECORDED FEBRUARY 23, 2012, UNDER AUDITOR’S FILE NO. 3374943, IN VOLUME 2 OF BOUNDARY LINE ADJUSTMENTS, PAGE 296, RECORDS OF LEWIS COUNTY, WASHINGTON, BEING LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 2 WEST, W.M., LEWIS COUNTY, WASHINGTON.

B. WHEREAS, as a condition to the development of the Subject Property under Permit No. BP 22-21 and the construction of improvements described therein, the Jurisdiction requires, and the Owner agrees to subject the Subject Property to, certain conditions and restrictions as hereinafter set forth. As part of the development of the Subject Property, Owner has installed certain private stormwater facilities therein (the “Stormwater Facilities”).

NOW, THEREFORE, the parties hereto agree as follows:

## AGREEMENT

1. Incorporation of Recitals. The Recitals made herein above are part of this Agreement and are incorporated herein by this reference as material terms of this Agreement as if fully set forth herein.

2. Stormwater Facilities. Owner shall implement and continuously be in material compliance with the Stormwater Facility Maintenance Program. The Stormwater Facility Maintenance Program is attached hereto as **Exhibit A** and is incorporated herein by this reference as if fully set forth herein. The Stormwater Facility Maintenance Program shall contain a site plan depicting with certainty the location of the installed Stormwater Facilities. The Stormwater Facilities shall be constructed, operated, used, maintained, and repaired by Owner, at Owner's cost, in accordance with the requirements of the Stormwater Facility Maintenance Program and any applicable law or regulation. If any portion of the Stormwater Facilities are removed, altered, or relocated, Owner shall promptly supply the Jurisdiction with a new map; no alteration, removal, or relocation shall occur without the prior written approval of the Jurisdiction and subject to the Owner obtaining all necessary permits.

3. Maintain Records. Owner shall at all times maintain a record (in the form of a log book) of steps taken to implement and be in compliance with the Stormwater Facility Maintenance Program. The log book shall be available for inspection by the Jurisdiction upon forty-eight (48) hours' notice to Owner. The log book shall contain, at a minimum, a catalog of the action taken, who took the action, when the action was taken, how the action was done, any problems or issues encountered, and any follow-up actions taken or recommended.

4. Reporting. Within thirty (30) days after written request by the Jurisdiction, but no more frequently than two (2) times per calendar year, Owner shall submit to the Jurisdiction a written report that describes Stormwater Facilities maintenance performed pursuant to and under this Agreement, including dates, locations of inspections, and the maintenance activities performed.

5. Technical Assistance. The Jurisdiction shall provide technical assistance to Owner in support of Owner's operation and maintenance of the Stormwater Facilities. Such technical assistance shall be provided upon request by or on behalf of Owner. The Jurisdiction may charge Owner for time and resources spent on providing any such requested technical assistance. Payment to the Jurisdiction for such technical assistance shall occur within 45 days after Owner's receipt of an invoice for any work performed by the Jurisdiction under this Section 5. Notwithstanding anything to the contrary in Section 12, invoices shall be deemed "received" under this Section 5, three (3) days after deposit in the mail, postage prepaid. Delinquent amounts that remain unpaid more than 45 days after Owner's receipt of the invoice shall bear interest at a rate of twelve (12) percent or the maximum rate allowed by law, whichever is less.

6. Maintenance Bond. Concurrently with the full execution of this Agreement by parties hereto, Owner shall post with the Jurisdiction a maintenance bond in an amount equal to twenty percent (20%) of the estimated cost of the Stormwater Facilities for a period of two (2) years after final public works approval by the Jurisdiction and issuance of a Certificate of

Occupancy for the building constructed or to be constructed by Owner on the Subject Property. Such bond shall be for the benefit of the Jurisdiction and shall be for the purpose of ensuring Owner fully complies with its Stormwater Facilities maintenance and repair obligations under this Agreement.

7. Remedies for Noncompliance. If the Jurisdiction reasonably determines that maintenance or repair is required to be done to the Stormwater Facilities, the Jurisdiction shall give Owner written notice of the specific maintenance and/or repair required (“Repair Notice”). The Jurisdiction shall set a reasonable time in which such work shall be completed by the Owner, but in no event less than thirty (30) days after Owner’s receipt of the corresponding Repair Notice. In the event Owner fails or refuses to complete the required maintenance or repair to the Stormwater Facilities in the time allotted by the Jurisdiction, then the Jurisdiction may perform such work and the Jurisdiction shall be reimbursed for its time and resources spent by Owner and/or the Bond. Reimbursement to the Jurisdiction shall occur within 45 days after Owner receives an invoice from the Jurisdiction for any work performed by the Jurisdiction under this Agreement. Delinquent amounts that remain unpaid more than 45 days after Owner’s receipt of the invoice shall bear interest at a rate of twelve (12) percent or the maximum rate allowed by law, whichever is less. Notwithstanding anything to the contrary in Section 12, invoices shall be deemed “received” under this Section 7, three (3) days after deposit in the mail, postage prepaid. The Jurisdiction shall make every effort at all times to minimize or avoid interference with Owner’s use of the Subject Property.

8. Emergency. Notwithstanding the notice and cure requirements of Section 7 above, if at any time the Jurisdiction reasonably determines that a noncompliant condition of the existing Stormwater Facilities has created an imminent threat to public health or welfare (an “Emergency”), the Jurisdiction may take immediate action, without prior notice to Owner (provided, however, that the Jurisdiction will undertake reasonable efforts to notify Owner and any lessee as soon as reasonably possible), to the extent necessary to remedy said threat. Owner shall be responsible for the cost of any maintenance or repairs to the Stormwater Facilities, including the Jurisdiction’s time and resources spent. Owner shall be responsible for the Jurisdiction’s time and resources spent for any maintenance or repair work required to abate an Emergency.

9. Other Remedies. The Jurisdiction reserves the right to seek any remedy available in law or in equity against the Owner, or any subsequent owner of the Subject Property bound by this Agreement.

10. Force Majeure. Neither party shall be liable for any delay or failure to perform its nonmonetary obligations hereunder due to (and the time for performance of any covenant shall be deemed extended by the time lost due to) any causes beyond its reasonable control, including, without limitation, fire, accident, act of the public enemy, war, rebellion, insurrection, sabotage, transportation delay, labor dispute, shortages of material, labor, energy or machinery, or act of God, act of government or the judiciary.

11. No Waiver. No waiver, or period of waiver, by Owner or the Jurisdiction of any item of noncompliance shall operate as a waiver of any other item of noncompliance, regardless of whether such other item of noncompliance is the same or similar.

12. Notices. All notices required or which any party desires to give hereunder shall be in writing and shall be addressed or delivered to the respective addresses set forth below, or to such other address as may have been previously designated by the intended recipient by notice given in accordance with this Section 12. If sent by prepaid, registered or certified mail (return receipt requested), the notice shall be deemed effective when the receipt is signed or when the attempted initial delivery is refused or cannot be made because of a change of address of which the sending party has not been notified; and if transmitted by personal delivery or via nationally recognized overnight mail courier service (e.g., Federal Express, UPS, etc.), the notice shall be effective when received. Notwithstanding the foregoing, no notice of change of address shall be effective except upon receipt.

- a. If to the Jurisdiction:  
Napavine Community Development Department  
PO Box 810  
Napavine, WA 98565
  
- b. If to Owner:  
BP Products North America Inc.  
30 South Wacker Drive, Suite 900  
Chicago, Illinois 60606  
Attention: Sales Operations Support
  
- c. If to Owner regarding any matter of noncompliance, breach, or obligation to pay, then to Owner as set forth above with a copy to surety identified in the Maintenance Bond.

13. Covenants Run with the Land. This Agreement is intended to protect the value and desirability of the real property described above (i.e., the Subject Property) and to benefit all the citizens of the Jurisdiction, and is intended to be and shall constitute a covenant running with the Subject Property and shall inure to the benefit of and be binding upon the parties hereto, subsequent owners of the Subject Property, and their respective heirs, successors, and assigns. This Agreement shall be recorded with the Lewis County Auditor, the cost of recording such Agreement shall be borne solely by Owner.

14. Severability. Any invalidity, in whole or in part, of any provision of this Agreement and Covenant shall not affect the validity of any other provision.

15. Governing Law, Disputes. Jurisdiction and venue of any dispute over this Agreement shall be solely with any federal or state court sitting in Lewis County, Washington. This Agreement shall be interpreted under the laws of the State of Washington. The prevailing party in any litigation arising out of this Agreement shall be entitled to its reasonable attorneys' fees, costs, expenses, and expert witness fees.

EFFECTIVE as of the date first set forth above.

CITY OF NAPA VINE

BP PRODUCTS NORTH AMERICA INC.

By: \_\_\_\_\_  
Shawn O'Neill, Mayor

By: \_\_\_\_\_  
Daniel R. Fiden, Senior Manager of  
Network Planning & Real Estate of BP  
Products North America Inc.

Attest: \_\_\_\_\_  
Rachelle Denham, City Clerk

*[Remainder of page intentionally left blank. Notary page follows.]*



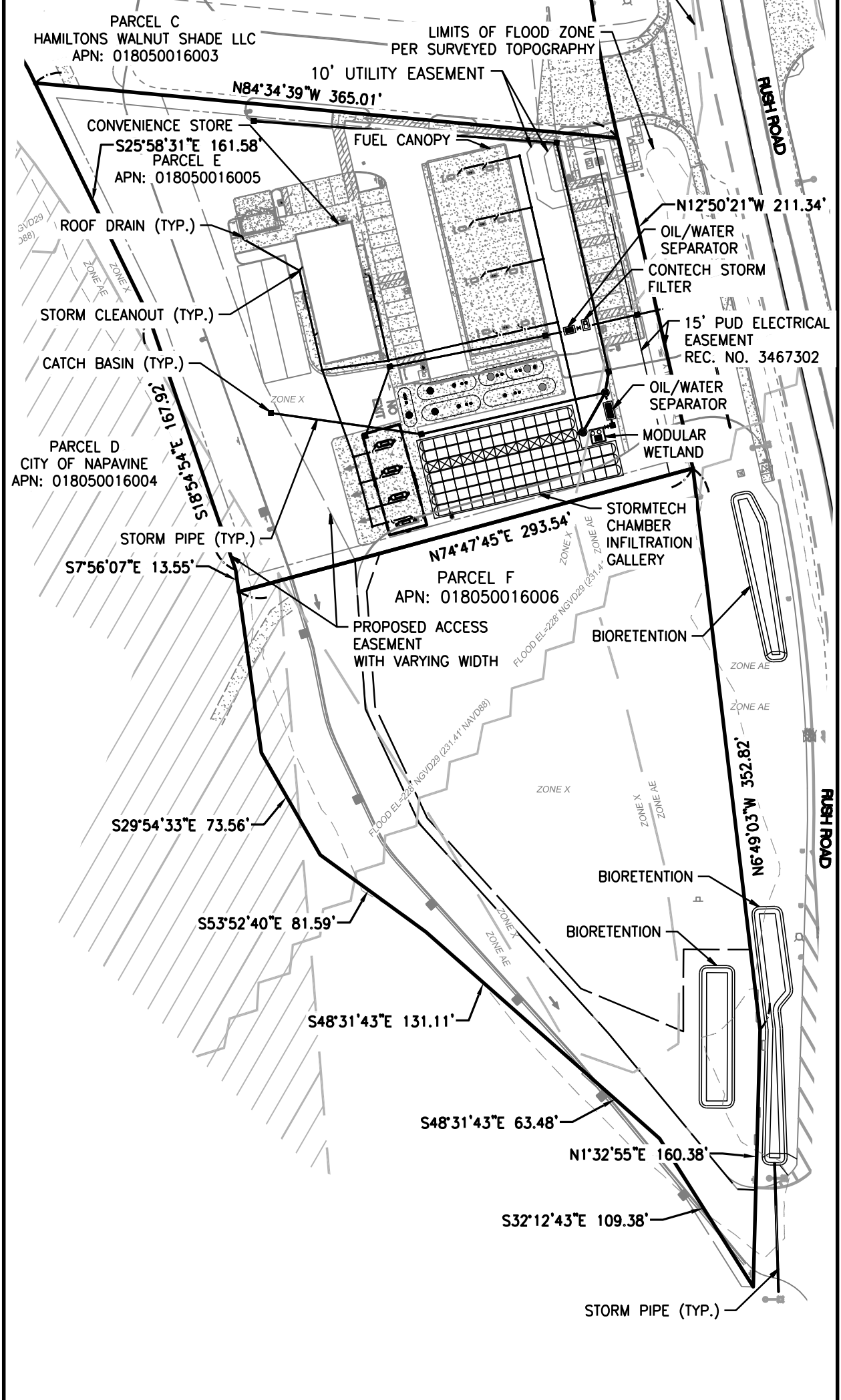
**EXHIBIT A**

STORMWATER FACILITIES MAINTENANCE PROGRAM

[see attached]

EXHIBIT A  
STORMWATER  
PLAN

ZONE X/ZONE AE DELINEATION  
PER FEMA MAP 5302541781A



PARCEL C  
HAMILTONS WALNUT SHADE LLC  
APN: 018050016003

CONVENIENCE STORE  
S25°58'31"E 161.58'  
PARCEL E  
APN: 018050016005

ROOF DRAIN (TYP.)  
ZONE X  
ZONE AE

STORM CLEANOUT (TYP.)

CATCH BASIN (TYP.)

PARCEL D  
CITY OF NAPAIVINE  
APN: 018050016004

STORM PIPE (TYP.)

S7°56'07"E 13.55'

PARCEL F  
APN: 018050016006

PROPOSED ACCESS  
EASEMENT  
WITH VARYING WIDTH

S29°54'33"E 73.56'

S53°52'40"E 81.59'

S48°31'43"E 131.11'

S48°31'43"E 63.48'

N1°32'55"E 160.38'

S32°12'43"E 109.38'

STORM PIPE (TYP.)

LIMITS OF FLOOD ZONE  
PER SURVEYED TOPOGRAPHY

10' UTILITY EASEMENT  
N84°34'39"W 365.01'

FUEL CANOPY

N12°50'21"W 211.34'

OIL/WATER  
SEPARATOR

CONTECH STORM  
FILTER

15' PUD ELECTRICAL  
EASEMENT  
REC. NO. 3467302

OIL/WATER  
SEPARATOR

MODULAR  
WETLAND

STORMTECH  
CHAMBER  
INFILTRATION  
GALLERY

BIORETENTION

BIORETENTION

BIORETENTION

RUSH ROAD

RUSH ROAD

N6°49'03"W 552.82'



**Table V-A.3: Maintenance Standards - Closed Detention Systems (Tanks/Vaults) (continued)**

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is Performed
Manhole	Cover Not in Place	Cover is missing or only partially in place. Any open manhole requires maintenance.	Manhole is closed.
	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread (may not apply to self-locking lids).	Mechanism opens with proper tools.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying normal lifting pressure. Intent is to keep cover from sealing off access to maintenance.	Cover can be removed and reinstalled by one maintenance person.
Catch Basins	Ladder Rungs Unsafe	Ladder is unsafe due to missing rungs, misalignment, not securely attached to structure wall, rust, or cracks.	Ladder meets design standards. Allows maintenance person safe access.
	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>

**Table V-A.4: Maintenance Standards - Control Structure/Flow Restrictor**

Maintenance Component	Defect	Condition When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Trash and Debris (Includes Sediment)	Material exceeds 25% of sump depth or 1 foot below orifice plate.	Control structure orifice is not blocked. All trash and debris removed.
	Structural Damage	Structure is not securely attached to manhole wall. Structure is not in upright position (allow up to 10% from plumb). Connections to outlet pipe are not watertight and show signs of rust. Any holes - other than designed holes - in the structure.	Structure securely attached to wall and outlet pipe. Structure in correct position. Connections to outlet pipe are water tight; structure repaired or replaced and works as designed. Structure has no holes other than designed holes.
Cleanout Gate	Damaged or Missing	Cleanout gate is not watertight or is missing. Gate cannot be moved up and down by one maintenance person. Chain/rod leading to gate is missing or damaged. Gate is rusted over 50% of its surface area.	Gate is watertight and works as designed. Gate moves up and down easily and is watertight. Chain is in place and works as designed. Gate is repaired or replaced to meet design standards.
Orifice Plate	Damaged or Missing	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
	Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.
Overflow Pipe	Obstructions	Any trash or debris blocking (or having the potential of blocking) the overflow pipe.	Pipe is free of all obstructions and works as designed.
Manhole	See <a href="#">Table V-A.3: Maintenance Standards - Closed Detention Systems (Tanks/Vaults)</a>	See <a href="#">Table V-A.3: Maintenance Standards - Closed Detention Systems (Tanks/Vaults)</a>	See <a href="#">Table V-A.3: Maintenance Standards - Closed Detention Systems (Tanks/Vaults)</a>
Catch Basin	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>	See <a href="#">Table V-A.5: Maintenance Standards - Catch Basins</a>

**Table V-A.5: Maintenance Standards - Catch Basins**

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance is performed
General	Trash & Debris	Trash or debris which is located immediately in front of the catch basin opening or is blocking inletting capacity of the basin by more than 10%. Trash or debris (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of six inches clearance from the debris surface to the invert of the lowest pipe. Trash or debris in any inlet or outlet pipe blocking more than 1/3 of its height. Dead animals or vegetation that could generate odors that could cause complaints or dangerous gases (e.g., methane).	No Trash or debris located immediately in front of catch basin or on grate opening. No trash or debris in the catch basin. Inlet and outlet pipes free of trash or debris. No dead animals or vegetation present within the catch basin.
	Sediment	Sediment (in the basin) that exceeds 60 percent of the sump depth as measured from the bottom of basin to invert of the lowest pipe into or out of the basin, but in no case less than a minimum of 6 inches clearance from the sediment surface to the invert of the lowest pipe.	No sediment in the catch basin
	Structure Damage to Frame and/or Top Slab	Top slab has holes larger than 2 square inches or cracks wider than 1/4 inch. (Intent is to make sure no material is running into basin). Frame not sitting flush on top slab, i.e., separation of more than 3/4 inch of the frame from the top slab. Frame not securely attached	Top slab is free of holes and cracks. Frame is sitting flush on the riser rings or top slab and firmly attached.
Catch Basin Cover	Fractures or Cracks in Basin Walls/ Bottom	Maintenance person judges that structure is unsound. Grout filllet has separated or cracked wider than 1/2 inch and longer than 1 foot at the joint of any inlet/outlet pipe or any evidence of soil particles entering catch basin through cracks.	Basin replaced or repaired to design standards. Pipe is rerouted and secure at basin wall.
	Settlement/ Mis-alignment	If failure of basin has created a safety, function, or design problem.	Basin replaced or repaired to design standards.
	Vegetation	Vegetation growing across and blocking more than 10% of the basin opening. Vegetation growing in inlet/outlet pipe joints that is more than six inches tall and less than six inches apart.	No vegetation blocking opening to basin. No vegetation or root growth present.
	Contamination and Pollution	See <a href="#">Table V-A.1: Maintenance Standards - Detention Ponds</a>	No pollution present.
	Cover Not in Place	Cover is missing or only partially in place. Any open catch basin requires maintenance.	Cover/grate is in place, meets design standards, and is secured
Ladder	Locking Mechanism Not Working	Mechanism cannot be opened by one maintenance person with proper tools. Bolts into frame have less than 1/2 inch of thread.	Mechanism opens with proper tools.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying normal lifting pressure. (Intent is keep cover from sealing off access to maintenance.)	Cover can be removed by one maintenance person.
	Ladder Rungs Unsafe	Ladder is unsafe due to missing rungs, not securely attached to basin wall, misalignment, rust, cracks, or sharp edges.	Ladder meets design standards and allows maintenance person safe access.
Metal Grates (if Applicable)	Grate opening Unsafe	Grate with opening wider than 7/8 inch.	Grate opening meets design standards.
	Trash and Debris Damaged or Missing	Trash and debris that is blocking more than 20% of grate surface inletting capacity. Grate missing or broken member(s) of the grate.	Grate free of trash and debris. Grate is in place, meets the design standards, and is installed and aligned with the flow path.

**Table V-A.17: Maintenance Standards - Coalescing Plate Oil/Water Separators**

Maintenance Component	Defect	Condition When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Monitoring	Inspection of discharge water for obvious signs of poor water quality.	Effluent discharge from vault should be clear with no thick visible sheen.
	Sediment Accumulation	Sediment depth in bottom of vault exceeds 6-inches in depth and/or visible signs of sediment on plates.	No sediment deposits on vault bottom and plate media, which would impede flow through the vault and reduce separation efficiency.
	Trash and Debris Accumulation	Trash and debris accumulated in vault or pipe inlet/outlet, floatables and non-floatables.	Trash and debris removed from vault, and inlet/outlet piping.
	Oil Accumulation	Oil accumulation that exceeds 1-inch at the water surface.	Oil is extracted from vault using vacuoring methods. Coalescing plates are cleaned by thoroughly rinsing and flushing. Should be no visible oil depth on water.
	Damaged Coalescing Plates	Plate media broken, deformed, cracked and/or showing signs of failure.	A portion of the media pack or the entire plate pack is replaced depending on severity of failure.
General	Damaged Pipes	Inlet or outlet piping damaged or broken and in need of repair.	Pipe repaired and/or replaced.
	Baffles	Baffles corroding, cracking, warping and/or showing signs of failure as determined by maintenance/inspection person.	Baffles repaired or replaced to specifications.
	Vault Structure Damage - Includes Cracks in Walls, Bottom, Damage to Frame and/or Top Slab	Cracks wider than 1/2-inch or evidence of soil particles entering the structure through the cracks, or maintenance/inspection personnel determine that the vault is not structurally sound. Cracks wider than 1/2-inch at the joint of any inlet/outlet pipe or evidence of soil particles entering through the cracks.	Vault replaced or repairs made so that vault meets design specifications and is structurally sound. Vault repaired so that no cracks exist wider than 1/4-inch at the joint of the inlet/outlet pipe.
Access Ladder Damaged	Ladder is corroded or deteriorated, not functioning properly, not securely attached to structure wall, missing rungs, cracks, and misaligned.	Ladder replaced or repaired and meets specifications, and is safe to use as determined by inspection personnel.	

**Table V-A.18: Maintenance Standards - Catch Basin Inserts**

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Sediment Accumulation	When sediment forms a cap over the insert media of the insert and/or unit.	No sediment cap on the insert media and its unit.
	Trash and Debris Accumulation	Trash and debris accumulates on insert unit creating a blockage/restriction.	Trash and debris removed from insert unit. Runoff freely flows into catch basin.
	Media Insert Not Removing Oil	Effluent water from media insert has a visible sheen.	Effluent water from media insert is free of oils and has no visible sheen.
	Media Insert Water Saturated	Catch basin insert is saturated with water and no longer has the capacity to absorb.	Remove and replace media insert.
	Media Insert-Oil Saturated	Media oil saturated due to petroleum spill that drains into catch basin.	Remove and replace media insert.
Media Insert Use Beyond Product Life	Media has been used beyond the typical average life of media insert product.	Remove and replace media at regular intervals, depending on insert product.	

**Table V-A.19: Maintenance Standards - Media Filter Drain (MFD)**

Maintenance Component	Defect	Conditions When Maintenance is Needed	Results Expected When Maintenance is Performed
General	Sediment accumulation on grass filter strip	Sediment depth exceeds 2 inches or creates uneven grading that interferes with sheet flow.	Remove sediment deposits on grass treatment area of the embankment. When finished, embankment should be level from side to side and drain freely toward the toe of the embankment slope. There should be no areas of standing water once inflow has ceased.
General	No-vegetation	Flow spreader is uneven or clogged so that flows are not uniformly distributed over entire embankment width.	Level the spreader and clean to spread flows evenly over entire embankment width.

**Table V-A.21: Maintenance Standards - Bioretention Facilities**

Maintenance Component	Recommended Frequency <sup>a</sup>		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
<b>Facility Footprint</b>				
Earthen side slopes and berms	B, S		Erosion (gullies/ rills) greater than 2 inches deep around inlets, outlet, and alongside slopes	<ul style="list-style-type: none"> <li>Eliminate cause of erosion and stabilize damaged area (regrade, rock, vegetation, erosion control matting)</li> <li>For deep channels or cuts (over 3 inches in ponding depth), temporary erosion control measures should be put in place until permanent repairs can be made.</li> <li>Properly designed, constructed and established facilities with appropriate flow velocities should not have erosion problems except perhaps in extreme events. If erosion problems persist, the following should be reassessed: (1) flow volumes from contributing areas and bioretention facility sizing; (2) flow velocities and gradients within the facility; and (3) flow dissipation and erosion protection strategies at the facility inlet.</li> </ul>
	A		Erosion of sides causes slope to become a hazard	Take actions to eliminate the hazard and stabilize slopes
	A, S		Settlement greater than 3 inches (relative to undisturbed sections of berm)	Restore to design height
	A, S		Downstream face of berm wet, seeps or leaks evident	Plug any holes and compact berm (may require consultation with engineer, particularly for larger berms)
	A		Any evidence of rodent holes or water piping in berm	<ul style="list-style-type: none"> <li>Eradicate rodents (see "Pest control")</li> <li>Fill holes and compact (may require consultation with engineer, particularly for larger berms)</li> </ul>
Concrete sidewalls	A		Cracks or failure of concrete sidewalls	<ul style="list-style-type: none"> <li>Repair/ seal cracks</li> <li>Replace if repair is insufficient</li> </ul>
Rockery sidewalls	A		Rockery side walls are insecure	Stabilize rockery sidewalls (may require consultation with engineer, particularly for walls 4 feet or greater in height)
Facility area		All maintenance visits (at least biannually)	Trash and debris present	Clean out trash and debris
Facility bottom area	A, S		Accumulated sediment to extent that infiltration rate is reduced (see "Ponded water") or surface storage capacity significantly impacted	<ul style="list-style-type: none"> <li>Remove excess sediment</li> <li>Replace any vegetation damaged or destroyed by sediment accumulation and removal</li> <li>Mulch newly planted vegetation</li> <li>Identify and control the sediment source (if feasible)</li> </ul>
		During/after fall leaf drop	Accumulated leaves in facility	Remove leaves if there is a risk to clogging outlet structure or water flow is impeded
Low permeability check dams and weirs	A, S		Sediment, vegetation, or debris accumulated at or blocking (or having the potential to block) check dam, flow control weir or orifice	Clear the blockage
	A, S		Erosion and/or undercutting present	Repair and take preventative measures to prevent future erosion and/or undercutting
	A		Grade board or top of weir damaged or not level	Restore to level position

**Table V-A.21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
Ponded water	B, S		Excessive ponding water: Water overflows during storms smaller than the design event or ponded water remains in the basin 48 hours or longer after the end of a storm.	<p>Determine cause and resolve in the following order:</p> <ol style="list-style-type: none"> <li>1. Confirm leaf or debris buildup in the bottom of the facility is not impeding infiltration. If necessary, remove leaf litter/debris.</li> <li>2. Ensure that underdrain (if present) is not clogged. If necessary, clear underdrain.</li> <li>3. Check for other water inputs (e.g., groundwater, illicit connections).</li> <li>4. Verify that the facility is sized appropriately for the contributing area. Confirm that the contributing area has not increased. If steps #1-4 do not solve the problem, the bioretention soil is likely clogged by sediment accumulation at the surface or has become overly compacted. Dig a small hole to observe soil profile and identify compaction depth or clogging front to help determine the soil depth to be removed or otherwise rehabilitated (e.g., tilled). Consultation with an engineer is recommended.</li> </ol> <ul style="list-style-type: none"> <li>• Minimize all loading in the facility footprint (foot traffic and other loads) to the degree feasible in order to prevent compaction of bioretention soils.</li> <li>• Never drive equipment or apply heavy loads in facility footprint.</li> <li>• Because the risk of compaction is higher during saturated soil conditions, any type of loading in the cell (including foot traffic) should be minimized during wet conditions.</li> <li>• Consider measures to distribute loading if heavy foot traffic is required or equipment must be placed in facility. As an example, boards may be placed across soil to distribute loads and minimize compaction.</li> <li>• If compaction occurs, soil must be loosened or otherwise rehabilitated to original design state.</li> </ul>
Bioretention soil mix	As needed		Bioretention soil mix protection is needed when performing maintenance requiring entrance into the facility footprint	
<b>Inlets/Outlets/Pipes</b>				
Splash block inlet	A		Water is not being directed properly to the facility and away from the inlet structure	Reconfigure/ repair blocks to direct water to facility and away from structure
Curb cut inlet/outlet	M during the wet season and before severe storm is forecasted	Weekly during fall leaf drop	Accumulated leaves at curb cuts	Clear leaves (particularly important for key inlets and low points along long, linear facilities)
	A		Pipe is damaged	Repair/ replace
Pipe inlet/outlet	W		Pipe is clogged	Remove roots or debris
	A, S		Sediment, debris, trash, or mulch reducing capacity of inlet/outlet	<ul style="list-style-type: none"> <li>• Clear the blockage</li> <li>• Identify the source of the blockage and take actions to prevent future blockages</li> </ul>
		Weekly during fall leaf drop	Accumulated leaves at inlets/outlets	Clear leaves (particularly important for key inlets and low points along long, linear facilities)
		A	Maintain access for inspections	<ul style="list-style-type: none"> <li>• Clear vegetation (transplant vegetation when possible) within 1 foot of inlets and outlets, maintain access pathways</li> <li>• Consultation with a landscape architect is recommended for removal, transplant, or substitution of plants</li> </ul>

**Table V-A.21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
Erosion control at inlet	A		Concentrated flows are causing erosion	Maintain a cover of rock or cobbles or other erosion protection measure (e.g., matting) to protect the ground where concentrated water enters the facility (e.g., a pipe, curb cut or swale)
Trash rack	S		Trash or other debris present on trash rack	Remove/dispose
Overflow	A		Bar screen damaged or missing	Repair/replace
	A, S		Capacity reduced by sediment or debris	Remove sediment or debris/dispose
Underdrain pipe		Clean orifice at least biannually (may need more frequent cleaning during wet season)	<ul style="list-style-type: none"> <li>Plant roots, sediment or debris reducing capacity of underdrain</li> <li>Prolonged surface ponding (see "Ponded water"</li> </ul>	<ul style="list-style-type: none"> <li>Jet clean or rotary cut debris/roots from underdrain(s)</li> <li>If underdrains are equipped with a flow restrictor (e.g., orifice) to attenuate flows, the orifice must be cleaned regularly.</li> </ul>
<b>Vegetation</b>				
Facility bottom area and upland slope vegetation		Fall and Spring	Vegetation survival rate falls below 75% within first two years of establishment (unless project O&M manual or record drawing stipulates more or less than 75% survival rate).	<ul style="list-style-type: none"> <li>Determine cause of poor vegetation growth and correct condition</li> <li>Replant as necessary to obtain 75% survival rate or greater. Refer to original planting plan, or approved jurisdictional species list for appropriate plant replacements (See Appendix 3 - Bioretention Plant List, in the <i>LID Technical Guidance Manual for Puget Sound</i>, <a href="#">Hirman and Wulkan, 2012</a>).</li> <li>Confirm that plant selection is appropriate for site growing conditions</li> <li>Consultation with a landscape architect is recommended for removal, transplant, or substitution of plants</li> <li>Remove any diseased plants or plant parts and dispose of in an approved location (e.g., commercial landfill) to avoid risk of spreading the disease to other plants</li> <li>Disinfect gardening tools after pruning to prevent the spread of disease</li> <li>See the <i>Pacific Northwest Plant Disease Management Handbook</i> (<a href="#">Rscheidt and Ocaimb, 2016</a>) for information on disease recognition and for additional resources</li> <li>Replant as necessary according to recommendations provided for "facility bottom area and upland slope vegetation".</li> <li>Prune trees and shrubs in a manner appropriate for each species. Pruning should be performed by landscape professionals familiar with proper pruning techniques</li> <li>All pruning of mature trees should be performed by or under the direct guidance of an ISA certified arborist</li> <li>Prune trees and shrubs using most current ANSI A300 standards and ISA BMPs.</li> <li>Remove trees and shrubs, if necessary.</li> </ul>
Vegetation (general)		As needed	Presence of diseased plants and plant material	
			All pruning seasons (timing varies by species)	
			Pruning as needed	
	A		Large trees and shrubs interfere with operation of the facility or access for maintenance	<ul style="list-style-type: none"> <li>Remove standing dead vegetation</li> <li>Replace dead vegetation within 30 days of reported dead and dying plants (as practical depending on weather/planting season)</li> <li>If vegetation replacement is not feasible within 30 days, and absence of vegetation may result in erosion problems, temporary erosion control measures should be put in place immediately.</li> <li>Determine cause of dead vegetation and address issue, if possible</li> </ul>
Trees and shrubs			Standing dead vegetation is present	
			Fall and Spring	

**Table V-A.21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency a		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
				<ul style="list-style-type: none"> <li>• If specific plants have a high mortality rate, assess the cause and replace with appropriate species. Consultation with a landscape architect is recommended.</li> <li>• When working around and below mature trees, follow the most current ANSI A300 standards and ISA BMPs to the extent practicable (e.g., take care to minimize any damage to tree roots and avoid compaction of soil).</li> <li>• Planting of small shrubs or groundcovers beneath mature trees may be desirable in some cases; such plantings should use mainly plants that come as bulbs, bare root or in 4-inch pots; plants should be in no larger than 1-gallon containers.</li> <li>• Verify location of facility liners and underdrain (if any) prior to stake installation in order to prevent liner puncture or pipe damage</li> <li>• Monitor tree support systems: Repair and adjust as needed to provide support and prevent damage to tree.</li> <li>• Remove tree supports (stakes, guys, etc.) after one growing season or maximum of 1 year.</li> <li>• Backfill stake holes after removal.</li> <li>• Maintain appropriate height for sight clearance</li> <li>• When continued, regular pruning (more than one time/ growing season) is required to maintain visual sight lines for safety or clearance along a walk or drive, consider relocating the plant to a more appropriate location.</li> <li>• Remove or transplant if continual safety hazard</li> <li>• Consultation with a landscape architect is recommended for removal, transplant, or substitution of plants</li> </ul>
	Fall and Spring		Planting beneath mature trees	
	Fall and Spring		Presence of or need for stakes and guys (tree growth, maturation, and support needs)	<ul style="list-style-type: none"> <li>• Cut back dying or dead and fallen foliage and stems</li> <li>• Hand rake sedges and rushes with a small rake or fingers to remove dead foliage before new growth emerges in spring or earlier only if the foliage is blocking water flow (sedges and rushes do not respond well to pruning)</li> </ul>
Trees and shrubs adjacent to vehicle travel areas (or areas where visibility needs to be maintained)	A		Vegetation causes some visibility (line of sight) or driver safety issues	<ul style="list-style-type: none"> <li>• Leave dry foliage for winter interest</li> <li>• Hand rake with a small rake or fingers to remove dead foliage back to within several inches from the soil before new growth emerges in spring or earlier if the foliage collapses and is blocking water flow</li> <li>• Hand rake with a small rake or fingers to remove dead growth before new growth emerges in spring</li> <li>• Clean, rake, and comb grasses when they become too tall</li> <li>• Cut back to ground or thin every 2-3 years as needed</li> <li>• By law, class A &amp; B noxious weeds must be removed, bagged and disposed as garbage immediately</li> <li>• Reasonable attempts must be made to remove and dispose of class C noxious weeds</li> <li>• It is strongly encouraged that herbicides and pesticides not be used in order to protect water quality; use of herbicides and pesticides may be prohibited in some jurisdictions</li> <li>• Apply mulch after weed removal (see "Mulch")</li> <li>• Remove weeds with their roots manually with pincher-type weeding tools, flame weeders, or hot water weeders as</li> </ul>
Flowering plants	A		Dead or spent flowers present	
Perennials		Fall	Spent plants	
Emergent vegetation		Spring	Vegetation compromises conveyance	
Ornamental grasses (perennial)		Winter and Spring	Dead material from previous year's growing cycle or dead collapsed foliage	
Ornamental grasses (evergreen)		Fall and Spring	Dead growth present in spring	
Noxious weeds		M (March - October, preceding seed dispersal)	Listed noxious vegetation is present (refer to current county noxious weed list)	
Weeds		M (March - October,	Weeds are present	

**Table V-A.21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency a		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
		preceding seed dispersal)		<ul style="list-style-type: none"> <li>appropriate</li> <li>Follow IPM protocols for weed management (see "Additional Maintenance Resources" section for more information on IPM protocols)</li> </ul>
		Once in early to mid- May and once in early-to mid-September	Low-lying vegetation growing beyond facility edge onto sidewalks, paths, or street edge poses pedestrian safety hazard or may clog adjacent permeable pavement surfaces due to associated leaf litter, mulch, and soil	<ul style="list-style-type: none"> <li>Edge or trim groundcovers and shrubs at facility edge</li> <li>Avoid mechanical blade-type edger and do not use edger or trimmer within 2 feet of tree trunks</li> <li>While some clippings can be left in the facility to replenish organic material in the soil, excessive leaf litter can cause surface soil clogging</li> </ul>
Excessive vegetation	As needed		Excessive vegetation density inhibits stormwater flow beyond design ponding or becomes a hazard for pedestrian and vehicular circulation and safety	<ul style="list-style-type: none"> <li>Determine whether pruning or other routine maintenance is adequate to maintain proper plant density and aesthetics</li> <li>Determine if planting type should be replaced to avoid ongoing maintenance issues (an aggressive grower under perfect growing conditions should be replaced to a location where it will not impact flow)</li> <li>Remove plants that are weak, broken or not true to form; replace in-kind</li> <li>Thin grass or plants impacting facility function without leaving visual holes or bare soil areas</li> <li>Consultation with a landscape architect is recommended for removal, transplant, or substitution of plants</li> </ul>
	As needed		Vegetation blocking curb cuts, causing excessive sediment buildup and flow bypass	Remove vegetation and sediment buildup
<b>Mulch</b>				
Mulch		Following weeding	Bare spots (without mulch cover) are present or mulch depth less than 2 inches	<ul style="list-style-type: none"> <li>Supplement mulch with hand tools to a depth of 2 to 3 inches</li> <li>Replenish mulch per O&amp;M manual. Often coarse compost is used in the bottom of the facility and arborist wood chips are used on side slopes and rim (above typical water levels)</li> <li>Keep all mulch away from woody stems</li> </ul>
<b>Watering</b>				
Irrigation system (if any)		Based on manufacturer's instructions	Irrigation system present	Follow manufacturer's instructions for O&M
	A		Sprinklers or drip irrigation not directed/located to properly water plants	Redirect sprinklers or move drip irrigation to desired areas <ul style="list-style-type: none"> <li>10 to 15 gallons per tree</li> <li>3 to 5 gallons per shrub</li> <li>2 gallons water per square foot for groundcover areas</li> <li>Water deeply, but infrequently, so that the top 3 to 12 inches of the root zone is moist</li> <li>Use soaker hoses or spot water with a shower type wand when irrigation system is not present               <ul style="list-style-type: none"> <li>Pulse water to enhance soil absorption, when feasible</li> </ul> </li> </ul>
Summer watering (first year)		Once every 1-2 weeks or as needed during prolonged dry periods	Trees, shrubs and groundcovers in first year of establishment period	



**Table V-A.21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency a		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
				<ul style="list-style-type: none"> <li>Pre-moisten soil to break surface tension of dry or hydrophobic soils/mulch, followed by several more passes. With this method, each pass increases soil absorption and allows more water to infiltrate prior to runoff</li> <li>Add a tree bag or slow-release watering device (e.g., bucket with a perforated bottom) for watering newly installed trees when irrigation system is not present</li> </ul>
Summer watering (second and third years)		Once every 2-4 weeks or as needed during prolonged dry periods	Trees, shrubs and groundcovers in second or third year of establishment period	<ul style="list-style-type: none"> <li>10 to 15 gallons per tree</li> <li>3 to 5 gallons per shrub</li> <li>2 gallons water per square foot for groundcover areas</li> <li>Water deeply, but infrequently, so that the top 3 to 12 inches of the root zone is moist</li> <li>Use soaker hoses or spot water with a shower type wand when irrigation system is not present                             <ul style="list-style-type: none"> <li>Pulse water to enhance soil absorption, when feasible</li> </ul> </li> <li>Pre-moisten soil to break surface tension of dry or hydrophobic soils/mulch, followed by several more passes. With this method, each pass increases soil absorption and allows more water to infiltrate prior to runoff</li> </ul>
Summer watering (after establishment)		As needed	Established vegetation (after 3 years)	<ul style="list-style-type: none"> <li>Plants are typically selected to be drought tolerant and not require regular watering after establishment; however, trees may take up to 5 years of watering to become fully established</li> <li>Identify trigger mechanisms for drought-stress (e.g., leaf wilt, leaf senescence, etc.) of different species and water immediately after initial signs of stress appear</li> <li>Water during drought conditions or more often if necessary to maintain plant cover</li> </ul>
<b>Pest Control</b>				
Mosquitoes	B, S		Standing water remains for more than 3 days after the end of a storm	<ul style="list-style-type: none"> <li>Identify the cause of the standing water and take appropriate actions to address the problem (see "Ponded water")</li> <li>To facilitate maintenance, manually remove standing water and direct to the storm drainage system (if runoff is from non-pollution-generating surfaces) or sanitary sewer system (if runoff is from pollution-generating surfaces) after getting approval from sanitary sewer authority.</li> <li>Use of pesticides or <i>Bacillus thuringiensis israelensis</i> (Bti) may be considered only as a temporary measure while addressing the standing water cause. If overflow to a surface water will occur within 2 weeks after pesticide use, apply for coverage under the Aquatic Mosquito Control NPDES General Permit.</li> <li>Reduce site conditions that attract nuisance species where possible (e.g., plant shrubs and tall grasses to reduce open areas for geese, etc.)</li> <li>Place predator decoys</li> <li>Follow IPM protocols for specific nuisance animal issues (see "Additional Maintenance Resources" section for more information on IPM protocols)</li> <li>Remove pet waste regularly</li> <li>For public and right-of-way sites consider adding garbage cans with dog bags for picking up pet waste.</li> </ul>
Nuisance animals	As needed		Nuisance animals causing erosion, damaging plants, or depositing large volumes of feces	<ul style="list-style-type: none"> <li>Reduce hiding places for pests by removing diseased and dead plants</li> <li>For infestations, follow IPM protocols (see "Additional Maintenance Resources" section for more information on IPM</li> </ul>
Insect pests	Every site visit associated with		Signs of pests, such as wilting leaves, chewed leaves and bark, spotting or other indicators	

**Table V-A-21: Maintenance Standards - Bioretention Facilities (continued)**

Maintenance Component	Recommended Frequency <sup>a</sup>		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
	vegetation management			protocols)

Note that the inspection and routine maintenance frequencies listed above are recommended by Ecology. They do not supersede or replace the municipal stormwater permit requirements for inspection frequency required of municipal stormwater permittees for stormwater treatment and flow control BMPs/facilities<sup>b</sup>.

<sup>a</sup> Frequency: A = Annually; B = Biannually (twice per year); M = Monthly; W = At least one visit should occur during the wet season (for debris/clog related maintenance, this inspection/maintenance visit should occur in the early fall, after deciduous trees have lost their leaves); S = Perform inspections after major storm events (24-hour storm event with a 10-year or greater recurrence interval).

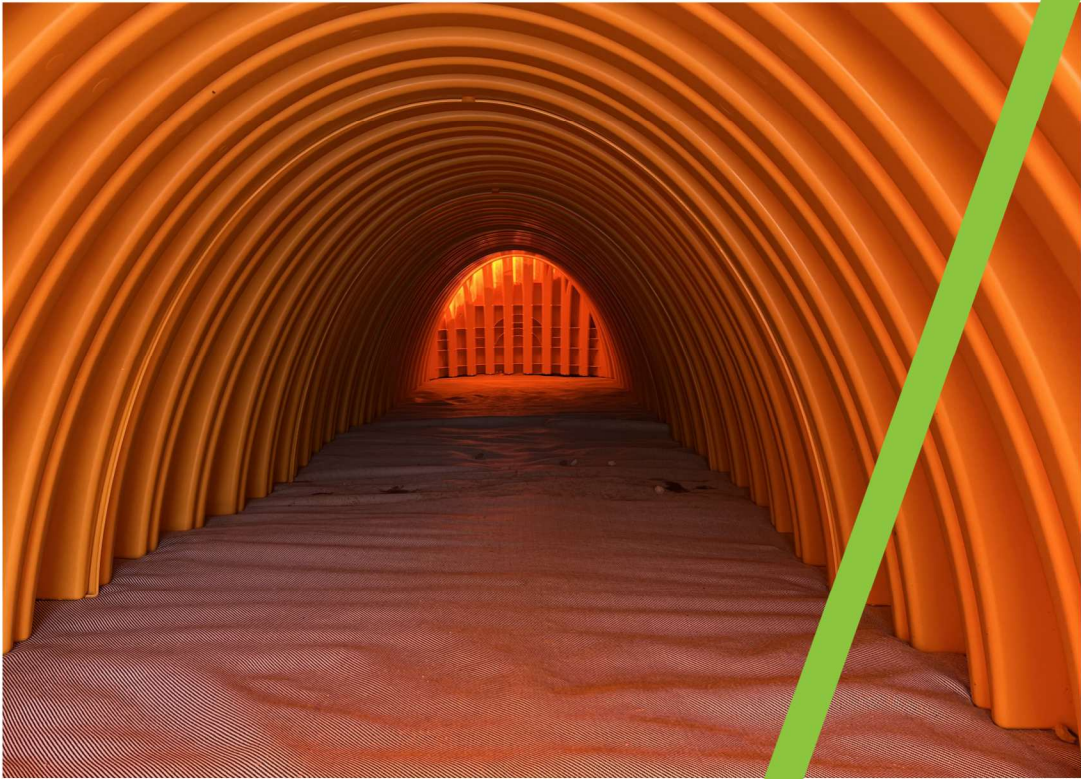
IPM - Integrated Pest Management  
ISA - International Society of Arboriculture

**Table V-A-22: Maintenance Standards - Permeable Pavement**

Component	Recommended Frequency <sup>a</sup>		Condition when Maintenance is Needed (Standards)	Action Needed (Procedures)
	Inspection	Routine Maintenance		
<b>Surface/Wearing Course</b>				
Permeable Pavements, all	A, S		Runoff from adjacent pervious areas deposits soil, mulch or sediment on paving	<ul style="list-style-type: none"> <li>Clean deposited soil or other materials from permeable pavement or other adjacent surfacing</li> <li>Check if surface elevation of planted area is too high, or slopes towards pavement, and can be regraded (prior to regrading, protect permeable pavement by covering with temporary plastic and secure covering in place)</li> <li>Mulch and/or plant all exposed soils that may erode to pavement surface</li> </ul>
		A or B	None (routine maintenance)	<p>Clean surface debris from pavement surface using one or a combination of the following methods:</p> <ul style="list-style-type: none"> <li>Remove sediment, debris, trash, vegetation, and other debris deposited onto pavement (rakes and leaf blowers can be used for removing leaves)</li> <li>Vacuum/sweep permeable paving installation using:                             <ul style="list-style-type: none"> <li>Walk-behind vacuum (sidewalks)</li> <li>High efficiency/regenerative air or vacuum sweeper (roadways, parking lots)</li> <li>Shop/Vac or brush brooms (small areas)</li> </ul> </li> <li>Hand held pressure washer or power washer with rotating brushes Follow equipment manufacturer guidelines for when equipment is most effective for cleaning permeable pavement. Dry weather is more effective for some equipment.</li> </ul>
Porous asphalt or pervious concrete	Ab		Surface is clogged: Ponding on surface or water flows off the permeable pavement surface during a rain event (does not infiltrate)	<ul style="list-style-type: none"> <li>Review the overall performance of the facility (note that small clogged areas may not reduce overall performance of facility)</li> <li>Test the surface infiltration rate using ASTM C1701 as a corrective maintenance indicator. Perform one test per installation, up to 2,500 square feet. Perform an additional test for each additional 2,500 square feet up to 15,000 square feet total. Above 15,000 square feet, add one test for every 10,000 square feet.</li> <li>If the results indicate an infiltration rate of 10 inches per hour or less, then perform corrective maintenance to restore permeability. To clean clogged pavement surfaces, use one or combination of the following methods:</li> </ul>
		A or B	None (routine maintenance)	

# Isolator<sup>®</sup> Row Plus

## O&M Manual



**///ADS**  
StormTech 

## The Isolator® Row Plus

### Introduction

An important component of any Stormwater Pollution Prevention Plan is inspection and maintenance. The StormTech Isolator Row Plus is a technique to inexpensively enhance Total Suspended Solids (TSS), Total Phosphorus (TP), Total Petroleum Hydrocarbons (TPH) and Total Nitrogen (TN) removal with easy access for inspection and maintenance.

### The Isolator Row Plus

The Isolator Row Plus is a row of StormTech chambers, either SC-160, SC-310, SC-310-3, SC-740, DC-780, MC-3500, MC-4500 or MC-7200 models, are lined with filter fabric and connected to a closely located manhole for easy access. The fabric lined chambers provide for sediment settling and filtration as stormwater rises in the Isolator Row Plus and passes through the filter fabric. The open bottom chambers allow stormwater to flow both vertically out of the chambers. Sediments are captured in the Isolator Row Plus protecting the adjacent stone and chambers storage areas from sediment accumulation.

ADS Isolator Row and Plus fabric are placed between the stone and the Isolator Row Plus chambers. The woven geotextile provides a media for stormwater filtration, a durable surface for maintenance, prevents scour of the underlying stone and remains intact during high pressure jetting.

The Isolator Row Plus is designed to capture the “first flush” runoff and offers the versatility to be sized on a volume basis or a flow-rate basis. An upstream manhole provides access to the Isolator Row Plus and includes a high/low concept such that stormwater flow rates or volumes that exceed the capacity of the Isolator Row Plus bypass through a manifold to the other chambers. This is achieved with an elevated bypass manifold or a high-flow weir. This creates a differential between the Isolator Row Plus row of chambers and the manifold to the rest of the system, thus allowing for settlement time in the Isolator Row Plus. After Stormwater flows through the Isolator Row Plus and into the rest of the chamber system it is either exfiltrated into the soils below or passed at a controlled rate through an outlet manifold and outlet control structure.

The Isolator Row Plus Flamp™ is a flared end ramp apparatus attached to the inlet pipe on the inside of the chamber end cap. The FLAMP provides a smooth transition from pipe invert to fabric bottom. It is configured to improve chamber function performance by enhancing outflow of solid debris that would otherwise collect at the chamber's end, or more difficult to remove and require confined space entry into the chamber area. It also serves to improve the fluid and solid flow into the access pipe during maintenance and cleaning and to guide cleaning and inspection equipment back into the inlet pipe when complete.

The Isolator Row Plus may be part of a treatment train system. The treatment train design and pretreatment device selection by the design engineer is often driven by regulatory requirements. Whether pretreatment is used or not, StormTech recommend using the Isolator Row Plus to minimize maintenance requirements and maintenance costs.

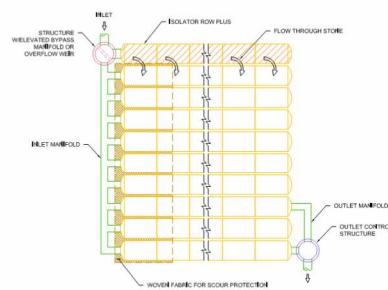
**Note:** See the StormTech Design Manual for detailed information on designing inlets for a StormTech system, including the Isolator Row Plus.



Looking down the Isolator Row PLUS from the manhole opening, ADS PLUS Fabric is shown between the chamber and stone base.



StormTech Isolator Row PLUS with Overflow Structure (not to scale)



## Isolator Row Plus Inspection/Maintenance

### Inspection

The frequency of inspection and maintenance varies by location. A routine inspection schedule needs to be established for each individual location based upon site specific variables. The type of land use (i.e. industrial, commercial, residential), anticipated pollutant load, percent imperviousness, climate, etc. all play a critical role in determining the actual frequency of inspection and maintenance practices.

At a minimum, StormTech recommends annual inspections. Initially, the Isolator Row Plus should be inspected every 6 months for the first year of operation. For subsequent years, the inspection should be adjusted based upon previous observation of sediment deposition.

The Isolator Row Plus incorporates a combination of standard manhole(s) and strategically located inspection ports (as needed). The inspection ports allow for easy access to the system from the surface, eliminating the need to perform a confined space entry for inspection purposes.

If upon visual inspection it is found that sediment has accumulated, a stadia rod should be inserted to determine the depth of sediment. When the average depth of sediment exceeds 3 inches throughout the length of the Isolator Row Plus, clean-out should be performed.

### Maintenance

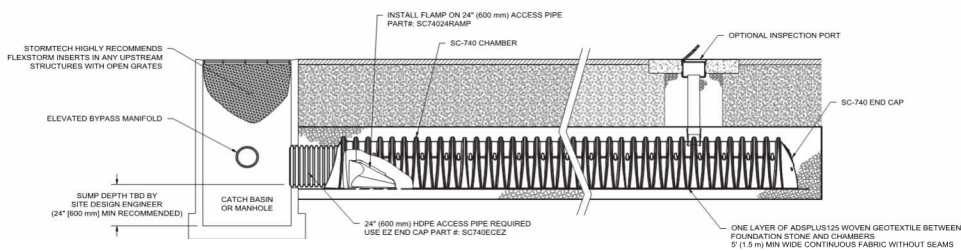
The Isolator Row Plus was designed to reduce the cost of periodic maintenance. By "isolating" sediments to just one row, costs are dramatically reduced by eliminating the need to clean out each row of the entire storage bed. If inspection indicates the potential need for maintenance, access is provided

via a manhole(s) located on the end(s) of the row for cleanout. If entry into the manhole is required, please follow local and OSHA rules for a confined space entry.

Maintenance is accomplished with the JetVac process. The JetVac process utilizes a high pressure water nozzle to propel itself down the Isolator Row Plus while scouring and suspending sediments. As the nozzle is retrieved, the captured pollutants are flushed back into the manhole for vacuuming. Most sewer and pipe maintenance companies have vacuum/JetVac combination vehicles. Selection of an appropriate JetVac nozzle will improve maintenance efficiency. Fixed nozzles designed for culverts or large diameter pipe cleaning are preferable. Rear facing jets with an effective spread of at least 45" are best. StormTech recommends a maximum nozzle pressure of 2000 psi be utilized during cleaning. JetVac reels can vary in length. For ease of maintenance, ADS recommends Isolator Row Plus lengths up to 200' (61 m). **The JetVac process shall only be performed on StormTech Isolator Row Plus that have ADS Plus Fabric (as specified by StormTech) over their angular base stone.**



### StormTech Isolator Row PLUS (not to scale)



# Isolator Row Plus Step By Step Maintenance Procedures

## Step 1

Inspect Isolator Row Plus for sediment.

- A) Inspection ports (if present)
  - i. Remove lid from floor box frame
  - ii. Remove cap from inspection riser
  - iii. Using a flashlight and stadia rod, measure depth of sediment and record results on maintenance log.
  - iv. If sediment is at or above 3 inch depth, proceed to Step 2. If not, proceed to Step 3.
- B) All Isolator Row Plus
  - i. Remove cover from manhole at upstream end of Isolator Row Plus
  - ii. Using a flashlight, inspect down Isolator Row Plus through outlet pipe
    - 1. Mirrors on poles or cameras may be used to avoid a confined space entry
    - 2. Follow OSHA regulations for confined space entry if entering manhole
  - iii. If sediment is at or above the lower row of sidewall holes (approximately 3 inches), proceed to Step 2. If not, proceed to Step 3.

## Step 2

Clean out Isolator Row Plus using the JetVac process.

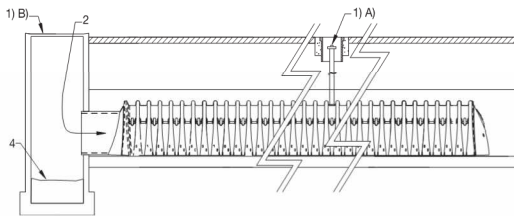
- A) A fixed floor cleaning nozzle with rear facing nozzle spread of 45 inches or more is preferable
- B) Apply multiple passes of JetVac until backflush water is clean
- C) Vacuum manhole sump as required

## Step 3

Replace all caps, lids and covers, record observations and actions.

## Step 4

Inspect & clean catch basins and manholes upstream of the StormTech system.



## Sample Maintenance Log

Date	Stadia Rod Readings		Sediment Depth (1)-(2)	Observations/Actions	Inspector
	Fixed point to chamber bottom (1)	Fixed point to top of sediment (2)			
3/15/11	6.3 ft	none		New installation. Fixed point is CI frame at grade	DJM
9/24/11		6.2	0.1 ft	Some grit felt	SM
6/20/13		5.8	0.5 ft	Mucky feel, debris visible in manhole and in Isolator Row PLUS, maintenance due	NV
7/7/13	6.3 ft		0	System jetted and vacuumed	DJM

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800-821-6710

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## Modular Wetlands® Linear Operation & Maintenance Manual



**MODULAR WETLANDS® LINEAR  
OPERATION & MAINTENANCE MANUAL**

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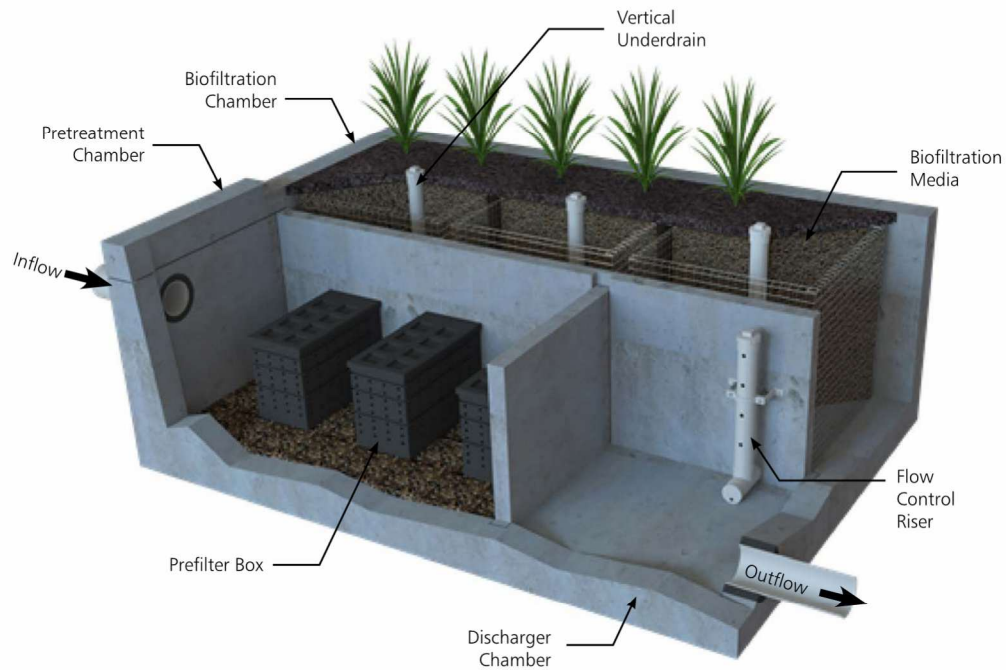


## OVERVIEW

The Modular Wetlands® Linear Biofilter is designed to remove high levels of trash, debris, sediments, nutrients, metals, and hydrocarbons. Its simple design allows for quick and easy installation. The system is housed in a standard precast structure and can be installed at various depths to meet site-specific conditions.

## INTRODUCTION

This is the Modular Wetlands Linear Biofilter operation and maintenance manual. Before starting, read the instructions and equipment lists closely. It is important to follow all necessary safety procedures associated with state and local regulations. Some steps required confined space entry. Please contact Contech for more information on pre-authorized third party contractors who can provide installation services in your area. For a list of service providers in your area please visit: [www.conteches.com/maintenance](http://www.conteches.com/maintenance).



## **INSTRUCTIONS**

### ***INSPECTION SUMMARY***

Stormwater regulations require BMPs be inspected and maintained to ensure they are operating as designed to allow for effective pollutant removal and provide protection to receiving water bodies. It is recommended that inspections be performed multiple times during the first year to assess the site specific loading conditions. The first year of inspections can be used to set inspection and maintenance intervals for subsequent years to ensure appropriate maintenance is provided.

- Inspect pre-treatment, biofiltration, and discharge chambers an average of once every six to twelve months. Varies based on site specific and local conditions.
- Average inspection time is approximately 15 minutes. Always ensure appropriate safety protocol and procedures are followed.

The following is a list of equipment required to allow for simple and effective inspection of the Modular Wetlands Linear:

- Modular Wetlands Linear Inspection Form
- Flashlight
- Manhole hook or appropriate tools to remove access hatches and covers
- Appropriate traffic control signage and procedures
- Measuring pole and/or tape measure
- Protective clothing and eye protection
- 7/16" open or closed ended wrench
- Large permanent black marker (initial inspections only - first year)

Note: entering a confined space requires appropriate safety and certification. It is generally not required for routine inspections of the system

## **INSPECTION AND MAINTENANCE NOTES**

1. Following maintenance and/or inspection, it is recommended that the maintenance operator prepare a maintenance/inspection record. The record should include any maintenance activities performed, amount and description of debris collected, and condition of the system and its various filter mechanisms.
2. The owner should keep maintenance/inspection record(s) for a minimum of five years from the date of maintenance. These records should be made available to the governing municipality for inspection upon request at any time.
3. Transport all debris, trash, organics, and sediments to approved facility for disposal in accordance with local and state requirements.
4. Entry into chambers may require confined space training based on state and local regulations.
5. No fertilizer shall be used in the biofiltration chamber.
6. Irrigation should be provided as recommended by manufacturer and/or landscape architect. Amount of irrigation required is dependent on plant species. Some plants may not require irrigation after initial establishment.

## INSPECTION PROCESS

1. Prepare the inspection form by writing in the necessary information including project name, location, date & time, unit number and other information (see inspection form).
2. Observe the inside of the system through the access covers. If minimal light is available and vision into the unit is impaired, utilize a flashlight to see inside the system and all of its chambers.
3. Look for any out of the ordinary obstructions in the inflow pipe, pre-treatment chamber, biofiltration chamber, discharge chamber or outflow pipe. Write down any observations on the inspection form.
4. Through observation and/or digital photographs, estimate the amount of trash, debris accumulated in the pre-treatment chamber. Utilizing a tape measure or measuring stick, estimate the amount of sediment in this chamber. Record this depth on the inspection form.
5. Through visual observation, inspect the condition of the pre-filter cartridges. Look for excessive build-up of sediment on the cartridges, any build-up on the tops of the cartridges, or clogging of the holes. Record this information on the inspection form. The prefilter cartridges can be further inspected by removing the cartridge tops and assessing the color of the BioMediaGREEN filter cubes (requires entry into pre-treatment chamber - see notes previous notes regarding confined space entry). Record the color of the material. New material is a light green color. As the media becomes clogged, it will turn darker in color, eventually becoming dark brown or black. The closer to black the media is the higher percentage that the media is exhausted and is in need of replacement.



6. The biofiltration chamber is generally maintenance-free due to the system's advanced pre-treatment chamber. For units which have open planters with vegetation, it is recommended that the vegetation be inspected. Look for any plants that are dead or showing signs of disease or other negative stressors. Record the general health of the plants on the inspection form and indicate through visual observation or digital photographs if trimming of the vegetation is required.
7. The discharge chamber houses the orifice control structure, drain down filter (only in California - older models), and is connected to the outflow pipe. It is important to check to ensure the orifice is in proper operating conditions and free of any obstructions. It is also important to assess the condition of the drain down filter media which utilizes a block form of the BioMediaGREEN. Assess in the same manner as the cubes in the pre-filter cartridge as mentioned above. Generally, the discharge chamber will be clean and free of debris. Inspect the water marks on the side walls. If possible, inspect the discharge chamber during a rain event to assess the amount of flow leaving the system while it is at 100% capacity (pre-treatment chamber water level at peak HGL - top of bypass weir). The water level of the flowing water should be compared to the watermark level on the side walls, which is an indicator of the highest discharge rate the system achieved when initially installed. Record on the form if there is any difference in level from the watermark in inches.

*NOTE: During the first few storms, the water level in the outflow chamber should be observed and a 6" long horizontal watermark line drawn (using a large permanent marker) at the water level in the discharge chamber while the system is operating at 100% capacity. The diagram below illustrates where the line should be drawn. This line is a reference point for future inspections of the system.*

*Water level in the discharge chamber is a function of flow rate and pipe size. Observation of the water level during the first few months of operation can be used as a benchmark level for future inspections. The initial mark and all future observations shall be made when the system is at 100% capacity (water level at maximum level in the pre-treatment chamber). If future water levels are below this mark when the system is at 100% capacity, this is an indicator that maintenance to the pre-filter cartridges may be needed.*

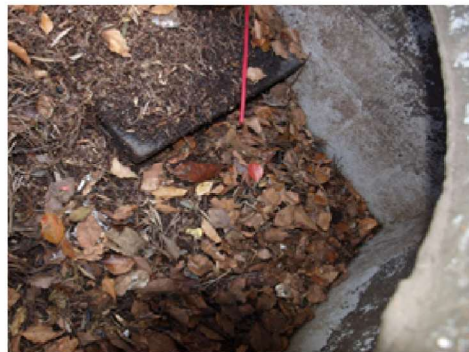


8. Finalize the inspection report for analysis by the maintenance manager to determine if maintenance is required.

## MAINTENANCE INDICATORS

Based upon the observations made during inspection, maintenance of the system may be required based on the following indicators:

- Missing or damaged internal components or cartridges
- Obstructions in the system or its inlet and/or outlet pipes
- Excessive accumulation of floatables in the pretreatment chamber in which the length and width of the chamber is fully impacted more than 18". See photo below.
- Excessive accumulation of sediment in the pretreatment chamber of more than 6" in depth.
- Excessive accumulation of sediment on the BioMediaGREEN media housed within the pretreatment cartridges. The following chart shows photos of the condition of the BioMediaGREEN contained within the pre-filter cartridges. When media is more than 85% clogged, replacement is required.
- Excessive accumulation of sediment on the BioMediaGREEN media housed within the pretreatment cartridges. When media is more than 85% clogged, replacement is required. The darker the BioMediaGREEN, the more clogged it is and in need of replacement.



## INSPECTION PROCESS

- Excessive accumulation of sediment on the BioMediaGREEN media housed within the drain down filter (California only - older models). The following photos show the condition of the BioMediaGREEN contained within the drain down filter. When media is more than 85% clogged, replacement is required.



- Overgrown vegetation.



- Water level in the discharge chamber during 100% operating capacity (pretreatment chamber water level at max height) is lower than the water mark by 20%.

## **MAINTENANCE SUMMARY**

The time has come to maintain your Modular Wetlands® Linear. All necessary pre-maintenance steps must be carried out before maintenance occurs. Once traffic control has been set up per local and state regulations and access covers have been safely opened, the maintenance process can begin. It should be noted that some maintenance activities require confined space entry. All confined space requirements must be strictly followed before entry into the system. In addition, the following is recommended:

- Prepare the maintenance form by writing in the necessary information including project name, location, date & time, unit number and other info (see maintenance form).
- Set up all appropriate safety and cleaning equipment.
- Ensure traffic control is set up and properly positioned.
- Prepared pre-checks (OSHA, safety, confined space entry) are performed.

The following is a list of equipment to required for maintenance of the Modular Wetlands® Linear:

- Modular Wetlands Linear Maintenance Form
- Manhole hook or appropriate tools to access hatches and covers
- Protective clothing, flashlight, and eye protection
- 7/16" open or closed ended wrench
- Vacuum assisted truck with pressure washer
- Replacement BioMediaGREEN for pre-filter cartridges if required (order from one of Contech's Maintenance Team members at <https://www.conteches.com/maintenance>).

## MAINTENANCE | PRETREATMENT CHAMBER

1. Remove access cover over pre-treatment chamber and position vacuum truck accordingly.
2. With a pressure washer, spray down pollutants accumulated on walls and pre-filter cartridges.
3. Vacuum out pre-treatment chamber and remove all accumulated pollutants including trash, debris, and sediments. Be sure to vacuum the floor until the pervious pavers are visible and clean.
4. If pre-filter cartridges require media replacement, continue to step 5. If not, replace access cover and move to step 11.



## MAINTENANCE | PREFILTER CARTRIDGES

5. After successfully cleaning out the pre-treatment chamber (previous page) enter the pre-treatment chamber.
6. Unscrew the two bolts (circles shown below) holding the lid on each cartridge filter and remove lid.



7. Place the vacuum hose over each individual media filter to suck out filter media.



8. Once filter media has been sucked out, use a pressure washer to spray down the inside of the cartridge and it's media cages. Remove cleaned media cages and place to the side. Once removed, the vacuum hose can be inserted into the cartridge to vacuum out any remaining material near the bottom of the cartridge.
9. Reinstall media cages and fill with new media from the manufacturer or outside supplier. Manufacturer will provide specification of media and sources to purchase. Utilize the manufacture-provided refilling tray and place on top of the cartridge. Fill the tray with new bulk media and shake down into place. Using your hands, lightly compact the media into each filter cage. Once the cages are full, remove the refilling tray and replace the cartridge top, ensuring bolts are properly tightened.



10. Exit the pre-treatment chamber. Replace access hatch or manhole cover.



## MAINTENANCE | BIOFILTRATION CHAMBER

11. In general, the biofiltration chamber is maintenance-free with the exception of maintaining the vegetation. The Modular Wetlands Linear utilizes vegetation similar to surrounding landscape areas, therefore trim vegetation to match surrounding vegetation. If any plants have died, replace them with new ones.



12. Each vertical under drain on the biofiltration chamber has a removable (threaded cap) that can be taken off to check any blockages or root growth. Once removed, a jetting attachment can be used to clean out the under drain and orifice riser.
13. As with all biofilter systems, at some point the biofiltration media (WetlandMedia) will need to be replaced. Either because of physical clogging or sorptive exhaustion of the media ion exchange capacity (to remove dissolved metals and phosphorous). The general life of this media is 10 to 20 years based on site specific conditions and pollutant loading. Utilize the vacuum truck to vacuum out the media by placing the hose into the chamber. Once all the media is removed use the power washer to spray down all the netting on the outer metal cage. Inspect the netting for any damage or holes. If the netting is damaged it can be repaired or replaced with guidance by the manufacturer.
14. Contact one of Contech's Maintenance Team members at <https://www.conteches.com/maintenance> to order new WetlandMedia. The quantity of media needed can be determined by providing the model number and unit depth. Media will be provided in super sacks for easy installation. Each sack will weigh between 1000 and 2000 lbs. A lifting apparatus (backhoe, boom truck, or other) is recommended to position the super sack over the biofiltration chamber. Fill the media cages up to the same level as the old media. Replant with vegetation.



## MAINTENANCE | DISCHARGE CHAMBER

15. Remove access hatch or manhole cover over discharge chamber.
16. Enter chamber to gain access to the drain down filter. Unlock the locking mechanism and lift up drain down filter housing to remove used BioMediaGREEN filter block as shown below. *NOTE: Drain down filter is only found on units installed in California prior to 2023. If no drain down filter is present, skip steps 16 and 17.*



17. Insert a new BioMediaGREEN filter block and lock drain down filter housing back in place.
18. Replace access hatch or manhole cover over discharge chamber.





## Inspection Report Modular Wetlands Linear

Project Name _____	For Office Use Only  (Reviewed By) _____  (Date) _____ Office personnel to complete section to the left.
Project Address _____ <span style="font-size: small; display: block; text-align: right;">(city) (Zip Code)</span>	
Owner / Management Company _____	
Contact _____ Phone (    ) - _____	
Inspector Name _____ Date ____/____/____ Time _____ AM / PM	
Type of Inspection <input type="checkbox"/> Routine <input type="checkbox"/> Follow Up <input type="checkbox"/> Complaint <input type="checkbox"/> Storm    Storm Event in Last 72-hours? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Weather Condition _____ Additional Notes _____	

### Inspection Checklist

Modular Wetland System Type (Curb, Grate or UG Vault): \_\_\_\_\_ Size (22', 14' or etc.): \_\_\_\_\_

Structural Integrity:	Yes	No	Comments
Damage to pre-treatment access cover (manhole cover/grate) or cannot be opened using normal lifting pressure?			
Damage to discharge chamber access cover (manhole cover/grate) or cannot be opened using normal lifting pressure?			
Does the MWS unit show signs of structural deterioration (cracks in the wall, damage to frame)?			
Is the inlet/outlet pipe or drain down pipe damaged or otherwise not functioning properly?			
<b>Working Condition:</b>			
Is there evidence of illicit discharge or excessive oil, grease, or other automobile fluids entering and clogging the unit?			
Is there standing water in inappropriate areas after a dry period?			
Is the filter insert (if applicable) at capacity and/or is there an accumulation of debris/trash on the shelf system?			
Does the depth of sediment/trash/debris suggest a blockage of the inflow pipe, bypass or cartridge filter? If yes specify which one in the comments section. Note depth of accumulation in in pre-treatment chamber.			Depth: _____
Does the cartridge filter media need replacement in pre-treatment chamber and/or discharge chamber?			Chamber: _____
Any signs of improper functioning in the discharge chamber? Note issues in comments section.			
<b>Other Inspection Items:</b>			
Is there an accumulation of sediment/trash/debris in the wetland media (if applicable)?			
Is it evident that the plants are alive and healthy (if applicable)? Please note Plant Information below.			
Is there a septic or foul odor coming from inside the system?			

Waste:	Yes	No
Sediment / Silt / Clay		
Trash / Bags / Bottles		
Green Waste / Leaves / Foliage		

Recommended Maintenance	
No Cleaning Needed	
Schedule Maintenance as Planned	
Needs Immediate Maintenance	

Plant Information	
Damage to Plants	
Plant Replacement	
Plant Trimming	

Additional Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## Cleaning and Maintenance Report Modular Wetlands Linear

Project Name _____	<b>For Office Use Only</b>  (Reviewed By) _____  (Date) _____ Office personnel to complete section to the left.
Project Address _____ (city) (Zip Code) _____	
Owner / Management Company _____	
Contact _____ Phone ( ) - _____	
Inspector Name _____ Date ____/____/____ Time _____ AM / PM	
Type of Inspection <input type="checkbox"/> Routine <input type="checkbox"/> Follow Up <input type="checkbox"/> Complaint <input type="checkbox"/> Storm    Storm Event in Last 72-hours? <input type="checkbox"/> No <input type="checkbox"/> Yes	
Weather Condition _____	Additional Notes _____

Site Map #	GPS Coordinates of Insert	Manufacturer / Description / Sizing	Trash Accumulation	Foliage Accumulation	Sediment Accumulation	Total Debris Accumulation	Condition of Media 25/50/75/100 (will be changed @ 75%)	Operational Per Manufactures' Specifications (If not, why?)
	Lat: _____ Long: _____	MWS Catch Basins						
		MWS Sedimentation Basin						
		Media Filter Condition						
		Plant Condition						
		Drain Down Media Condition						
		Discharge Chamber Condition						
		Drain Down Pipe Condition						
		Inlet and Outlet Pipe Condition						
Comments: _____								



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Modular Wetlands Maintenance Guide 1/2023

**CITY OF NAPA VINE**  
**RESOLUTION NO. 23-11-144**

**A RESOLUTION APPROVING A LETTER OF INTENT TO COMPLY WITH WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) TITLE VI PLAN AND AGREEING TO THE TERMS OF THE PLAN AND APPOINTING THE CITY CLERK AS THE TITLE VI COORDINATOR TO ADMINISTER THE PROGRAM UNDER THE DIRECTION OF THE MAYOR OR HIS DESIGNEE INCLUDING SIGNING DOCUMENTS AND YEARLY REPORTING NECESSARY TO COMPLY WITH THE TITLE VI PROGRAM.**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 and other Federal Nondiscrimination statutes prohibit discrimination based on race, color, national origin and sex (gender) in the provision of benefits and services in programs and activities receiving federal funds; and

**WHEREAS**, these federal regulations require the Washington State Department of Transportation (WSDOT) to ensure that all local agencies receiving United States Department of Transportation (US DOT) funds administered by WSDOT are in compliance with these regulations (23 CFR 200.9(b)(7), 49 CFR 21.3, 49 CFR 21.7); and

**WHEREAS**, the Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs and activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally funded or not; and

**WHEREAS**, the Federal Highway Administration (FHWA) requires each local agency that receives federal funds through WSDOT to establish a Title VI Plan to prevent discrimination in the provision of benefits and services on federally funded transportation programs and activities; and

**WHEREAS**, WSDOT allows agencies with a population of 75,000 or less to execute a letter of intent to comply with the WSDOT Title VI Plan in lieu of adopting their own Title VI Plan; and

**WHEREAS**, the City of Napavine agrees that complying with the WSDOT Title VI Plan is in the best interest of the City rather than adopting their own plan and desires the approval of Council,

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- I. The City Council approves the Letter of Intent to Comply with WSDOT Title VI Plan in lieu of adopting their own Title VI Plan.
2. The City Council appoints the City Clerk under the direction of the Mayor or his designee as the City's Title VI Coordinator pursuant to 23 Code of Federal Regulations (CFR) 200.9(b)(7), 49 CFR 21.3, 49 CFR 21. 7
3. The Title VI Coordinator shall, under the direction of the Mayor or his designee, have the authority to sign all documents necessary to comply with the WSDOT Title VI Plan, including but not limited to implementing and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200.9(b)(7), 49 CFR 21.3, 49 CFR 21.7.
4. The City Council further adopts the Letter of Intent to Comply with WSDOT Title VI Plan attached to this Resolution.

**PASSED BY MAJORITY** of the City Council of the City of Napavine, Washington, this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Shawn O'Neill, Mayor

Attest:

\_\_\_\_\_  
Rachelle Denham, Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney, James M. B. Buzzard WBA #33555



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

### Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

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

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

#### General Assurances

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

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

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

#### Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Napavine, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

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

By signing this ASSURANCE, City of Napavine also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the [City of Napavine] access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the City of Napavine. You must keep records, reports, and submit the material for review upon request to City of Napavine, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

City of Napavine  
**(Name of Recipient)**

by \_\_\_\_\_  
**(Signature of Authorized Official)**

DATED \_\_\_\_\_

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin 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, 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, or national origin.
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 Washington State Department of Transportation 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 Washington State Department of Transportation, 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 Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation 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 B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Napavine 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 Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 City of Napavine all the right, title and interest of the U.S. 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 City of Napavine 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 City of Napavine, its successors and assigns.

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

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

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

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

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

## APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Napavine 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, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Napavine 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, City of Napavine will there upon revert to and vest in and become the absolute property of City of Napavine and its assigns.\*

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



## APPENDIX E

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**28.1 General Discussion**

Using the abbreviations and glossary at the end of the LAG Manual, LPA's can find acronyms and definitions used within this chapter.

Recipients of federal financial assistance are required to comply with Title VI of the Civil Rights Act of 1964 and subsequent nondiscrimination laws.

The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization or other entity of any individual, in any State, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee. The term *recipient* does not include any ultimate beneficiary under any such program.

The term "primary recipient" refers to any recipient (e.g., WSDOT) which is authorized or required to extend federal financial assistance to another recipient (e.g., subrecipient) to carry out a program or activity. A subrecipient is a recipient that receives federal financial assistance from a primary recipient. In the context of this chapter, Local Public Agencies (LPAs) receiving federal financial assistance through WSDOT are subrecipients.

Federal financial assistance is more than just the award/grant/loan of money. Federal financial assistance may also be in nonmonetary form, such as the grant or donation/transfer of federal property and interests in property; the sale and lease of, and permission to use federal property; training conducted by federal personnel or training funded by a federal agency; and more.

Should LPAs (subrecipients) further distribute federal financial assistance to others, those recipients are also covered by Title VI and must conduct their programs and activities accordingly.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin (including limited English proficiency). Other laws such as the Federal-aid Highway Act of 1973, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, while modeled after Title VI, were enacted later to prohibit discrimination based on other grounds (respectively, sex (gender), age, and disability).

The Civil Rights Restoration Act of 1987 clarified the broad institution-wide application of Title VI and other nondiscrimination statutes, meaning that Title VI (and other nondiscrimination statutes) applies to the entire operations of recipients of federal financial assistance regardless of funding source.

In addition to requirements set out in the USDOT Title VI regulations of 49 CFR Part 21 recipients and subrecipients must comply with Executive Orders addressing Limited English Proficiency (LEP) and Environmental Justice (EJ). (Note: When financial assistance is granted to a recipient from the Federal Transit Administration (FTA), the recipient should refer to the FTA's Title VI Circular C4702.1B).

WSDOT must monitor Title VI compliance of its (sub)recipients as well as implement procedures for assessing compliance by subrecipients. If an LPA accepts federal financial assistance from WSDOT, the LPA:

- Agrees to compile and maintain records necessary for recipient and federal funding agency to determine Title VI compliance;
- Agrees to submit reports describing the manner in which their programs, services and activities are being conducted in compliance with Title VI;
- Agrees to comply with Title VI; and,
- Agrees that the federal government has a right to seek judicial enforcement in noncompliance situations.

WSDOT also requires the LPA to establish a Title VI Program. A Title VI Program refers to a system of requirements developed to implement Title VI, which this chapter outlines. The LPA commits to conducting their transportation programs and activities in a nondiscriminatory manner.

## 28.2 Title VI Plan

A Title VI Plan represents policies and procedures for implementing Title VI. It must contain sufficient information from which to determine whether the recipient/subrecipient complies with Title VI and be reflective of the measures that the recipient/subrecipient will take in each of its programs and activities to ensure nondiscrimination.

LPAs must retain their Title VI plan or Letter of Intent six years past the date WSDOT approved a new or revised plan.

Form AAP28.91 is a sample template of a Title VI Plan for large agencies (e.g. serving a population of 75,000 or more). Larger agencies with a Title VI Plan approved for a different federally funded transportation program (e.g., FTA-approved) have the option of submitting that Title VI Plan for WSDOT approval or creating a new Title VI Plan.

The following program elements are required to be included in all Title VI Plans developed by LPAs:

- a. Table of Contents
- b. Standard Title VI Assurances [USDOT 1050.2A], signed, dated and inserted verbatim (Form AAP28.94);
- c. A Policy Statement that reflects the LPA's commitment to Title VI compliance signed by the LPA's Chief Executive Officer (CEO);
- d. Authorities citing all relevant federal statutes, regulations, executive orders and other laws.
- e. Organization and Staffing - Identification of the Title VI Coordinator and any program area Title VI Liaisons responsible for the management and administration of the Title VI Program. Describe the roles and responsibilities of the Title VI Coordinator (and Liaisons, as appropriate). Include an organization chart that readily identifies the reporting relationship between the Title VI Coordinator and Department/Division Manager;
- f. Program Areas/Review Procedures – This section describes the agency's program areas associated with highway transportation (i.e., Planning, Design, Education and Training, Right of Way, Construction, Maintenance), the Title VI responsibilities in each area, and procedures for how each area will be monitored/reviewed for

Title VI compliance (including the type of data collected, how it is collected and analyzed, and reporting requirements);

- g. Complaint Procedures – This section must outline the process for filing Title VI complaints (include how and where a complaint can be filed, how complaints will be tracked and monitored (identify the point of contact for receipt of complaints), and how the process for filing Title VI complaints is distributed internally and externally). This process must be consistent with the Federal Highway Administration's (FHWA's) Title VI complaint processing procedures (refer to FHWA's website for Questions & Answers pertaining to Title VI complaints)
- h. Distribution of Title VI Information - This section must describe public involvement/ outreach procedures used to engage the public in transportation decision-making; how public outreach data is collected and analyzed for effectiveness; and how Title VI information is distributed to the public (e.g., on the agency's website, at locations where the agency conducts public meetings, reception areas/counters, in documents for public distribution, in agency procurement documents, et al);
- i. A description of policies and procedures addressing language access (Limited English Proficiency) and Environmental Justice.

Form AAP28.92 is a Letter of Intent for use by smaller LPAs (e.g. serving a population of 75,000 or less) who adopt WSDOT's Title VI Plan. LPAs not executing a Letter of Intent are required to develop a comprehensive plan as outlined in Form AAP28.91. The Standard Title VI Assurances [USDOT1050.2A] must also be included, signed, dated, and unaltered.

### **Plan Submissions**

LPAs must submit their Title VI Plan and Assurances to WSDOT- OEO before receiving federal financial assistance. Submission by mail or email to TitleVI@wsdot.wa.gov. Local Programs staff will verify with OEO that an approved plan or Letter of Intent are on file.

OEO will review each plan for compliance with federal requirements. OEO may request supplemental information prior to approving an agency's Title VI Plan. OEO will provide written confirmation of a Plan's approval.

Once approved, the LPA must make the Title VI Plan/Letter of Intent available to the public (e.g., posted on the LPA's website, et al). The Title VI Plan and Letter of Intent are vital documents, and therefore are subject to translation in other languages, as appropriate.

### **Revisions to the Title VI Plan or Letter of Intent**

Plans and Letters of Intent must contain current contact information for the LPA staff responsible for implementing the Title VI program. When the LPA makes a substantial change to its Plan, the LPA must submit revisions to WSDOT-OEO within 30 days of the effective date of a substantial change.

Substantial changes requiring revisions include but are not limited to changes in an LPA's CEO, changes in the LPA's Title VI Coordinator, and administrative changes in program structure.

WSDOT will notify LPAs having adopted WSDOT's Title VI Plan (e.g., agencies with populations under 75,000 using the Letter of Intent), of any substantial changes made to WSDOT's Title VI Plan. When an LPA submits a new request for federal financial assistance, the LPA must submit an updated Letter of Intent to WSDOT. When the LPA's population exceeds 75,000, the LPA is required to develop its own Title VI Plan.

### **28.3 Standard Title VI Assurances**

The USDOT Standard Title VI Assurances (Form AAP28.94) are required of each recipient/subrecipient of federal financial assistance from FHWA. These assurances are an eligibility requirement tied to application and receipt of federal financial assistance from FHWA.

As a subrecipient, LPAs must submit a signed copy of the USDOT Standard Title VI Assurances to WSDOT with applications for federal financial assistance, and then update annually for the period during which federal financial assistance is extended.

The LPA is expected to comply with all terms of the Assurances. This includes the insertion of Appendices A, B, C, D, and E (in their entirety) in documents for which they pertain. For example, LPAs are required to insert the following notification, unaltered, in all solicitations for bids for work or material subject to the regulations and made in connection with Department programs and, in adapted form, all proposals for negotiated agreements:

*“The recipient, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

In addition, the LPA must insert the clauses in “Appendix A” and “Appendix E” (verbatim) of the Standard Title VI Assurances (USDOT1050.2A) in every contract subject to the Act and the Regulations; insert the clauses in “Appendix B” in any deed when the United States conveys land or property to the LPA; and insert the clauses in “Appendix C” and “Appendix D” in any deeds, licenses, leases, permits or similar instruments; e.g., Tenancy Agreements associated with the transfer of real property, construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable program, project, or activity.

The appendices referred to above are required as a condition for receiving federal financial assistance. These appendices are part of the contract/grant/permit/loan agreement and instruct the applicant against taking specified actions, requires that specified remedial actions be taken, and/or provides for other appropriate relief. When

granted assistance, the terms of the agreement become effective and are attached as a condition to the financial assistance agreement.

If the LPA extends federal financial assistance to others, they are considered “subrecipients” subject to the same requirement for submitting signed USDOT Standard Title VI Assurances. The LPA’s Title VI Coordinator has a responsibility to periodically conduct Title VI reviews of the LPAs processes/procedures to ensure that agency policies, procedures, and/or actions do not have unintentional Title VI consequences.

## 28.4 Annual Title VI Accomplishments and Goals Report

All LPAs must submit an annual report to WSDOT that describes the previous year’s Title VI accomplishments and outlines the LPA’s Title VI goals for the upcoming year.

The annual report must contain transportation activities that occurred during the previous year including demographic data collection summaries, report complaints and their resolution, as well as goals and planned efforts for the coming year. The Annual Title VI Accomplishments and Goals Report template is included in Form AAP28.93.

The schedule for submitting annual reports to WSDOT OEO is:

Name of City/Town	Reporting period	Due date	Overdue Notices Sent
A - E	Jan - Dec	Feb. 1	Mar. 1
F - M	April - March	May 1	June 1
N - R	July - June	Aug. 1	Sept. 1
S - Z	Oct - Sept	Nov. 1	Dec. 1

Each annual Accomplishments and Goals Report must include a current signed Standard Title VI Assurances document (USDOT1050.2A), Form AAP28.94.

WSDOT-OEO will monitor progress towards goals and compliance of each LPA’s annual report. OEO staff may reply with a list of recommendations of areas needing improvement.

## 28.5 Title VI Complaint Investigations

Any person or group who believes they were discriminated against based on race, color, or national origin in programs, services, or activities where there is federal assistance may file a Title VI complaint.

Complaints related to the federal-aid highway program may be filed with an LPA/MPO, WSDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the United States Department of Justice. According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed no later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

Complaints should be in writing, signed, and filed by mail, fax, in person, or e-mail. If a complainant phones a sub-recipient with allegations, they shall transcribe the allegations of the complaint as provided by phone and then send a written complaint to the complainant for correction and signature.

A complaint must contain the following information:

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

(Sub)recipients must maintain a log of Title VI complaints and their disposition (including the results of any investigations). The record must be included in their Title VI Annual Accomplishments and Goals Report. Form 140-562LA contains a “sample” complaint log. (Sub)recipients should develop their own complaint log, inclusive of the information contained on WSDOT’s log.

Retain records related to the complaint as long as the issue is open. Destroy records four years after the end of fiscal year in which the case is closed.

All Title VI complaints related to transportation-related programs and services must be forwarded to WSDOT-OEO for processing by FHWA.

Washington State Department of Transportation  
Office of Equal Opportunity, Title VI  
Box 47314 Olympia, WA 98466

WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint. FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

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

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

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

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

## 28.6 Title VI Field Reviews

Compliance reviews are the responsibility of the primary recipient (e.g., WSDOT). WSDOT is required (by regulation) to conduct Title VI reviews of its subrecipients. These reviews provide WSDOT (and the federal funding agency) with evidence that the subrecipient is complying with the Title VI requirements, and that federal funds are not being spent in

any way that results in discrimination (intentional or unintentional). On an annual basis, WSDOT will conduct Title VI field reviews of select subrecipients.

Selection of LPAs for field reviews is based on a formula that includes: the number of Title VI complaints filed; the population of the service area; the number of WSDOT funded projects; the number of federally funded projects; the LEP population; and the number of students at or below federal poverty standards; et al. At least four weeks prior to a scheduled field review, WSDOT will send the LPA written notification.

In a field review, the task of the reviewer is to evaluate whether the LPA is effectively implementing Title VI. As part of the review process, WSDOT staff will gather documentation and conduct interviews with LPA staff having Title VI responsibilities. The scope of field reviews will vary, based on the subrecipients' programs (e.g., Metropolitan Planning Organization, Local Agency Public Works/Transportation Department, et al). However, there are several review areas common to all such as distribution of Title VI information, data compilation and analysis, complaint processing training, public involvement activities, processes/procedures associated with each program area, et al. The intent of reviews is to assess subrecipient compliance, but also affords WSDOT Title VI staff an opportunity to provide LPAs with on-the-spot technical assistance and guidance related to observations made during the review.

### **Compliance Determinations**

If no deficiencies are identified during a field review, WSDOT may communicate this finding to the LPA at the conclusion of the review. A written notice of compliance will follow.

If deficiencies are identified during the review, the LPA will be informed of such deficiencies through written communication. The LPA will then have 90 days from the receipt of this notice to correct the deficiencies. In the event of a finding of noncompliance, Title VI staff will notify an LPA that it is within compliance only after the LPA has submitted evidence of a corrective action to WSDOT. If a local agency does not correct Title VI Program deficiencies identified by WSDOT in a timely manner, it may be subject to sanctions including the suspension of FHWA funding.

In addition to a review by WSDOT, the federal funding agency (e.g., FHWA) may also conduct Title VI reviews of subrecipients, as it deems necessary.

## **28.7 Executive Orders**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" are based in Title VI.

### **Environmental Justice (EJ) – Executive Order #12898**

Executive Order #12898 requires federal agencies to develop strategies to prevent, mitigate, and correct the possible high and adverse disproportionate burdens or environmental effects of an agency's programs, policies, and activities on minority and/or low-income populations. USDOT and FHWA policy requires recipients/subrecipients to incorporate Environmental Justice (EJ) principles throughout all programs and activities and ensure that the public (inclusive of minority and/or low-income populations) has access to information concerning environmental impacts of proposed actions. Federal statutes and policies require state and local governments that receive federal assistance



to establish EJ procedures. Procedures for addressing environmental justice during project development (environmental review phase) are included in WSDOT Local Programs' NEPA Categorical Exclusion (CE) – A Guidebook for Local Agencies (for CE documents) and [Chapter 458](#) of WSDOT's *Environmental Manual* (for Environmental Assessments (EAs) and Environmental Impact Statements (EISs)). EJ principles are expected to be incorporated in all phases of transportation decision-making, from planning to maintenance.

The summarized principles of Environmental Justice are to:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations;
- Ensure the full and fair participation by all potentially affected communities in the decision-making process; and
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Minority and low-income communities have historically borne disproportionately high and adverse human health or environmental effect of transportation infrastructure projects. FHWA authorities define protected minority and low-income populations as Black, Hispanic, Asian, American Indian, Alaskan Native, Native Hawaiian or Pacific Islander, and people with a median household income at or below the poverty level as defined by the US Department of Health and Human Services. The objectives of EJ are to convey issues in ways that are meaningful to various cultural groups; bridge cultural and economic differences that affect participation; use communication techniques that enable people to interact; and increase participation by underrepresented groups.

## Public Engagement

Public engagement and participation in decision-making is fundamental and essential in achieving equitable transportation that reflect the transportation-related needs of all persons in the State of Washington.

LPAs must include a proactive public involvement process that provides complete public information, timely notice, full-public access to key decisions and supports early and continuing involvement of the public. The Public Involvement process includes the development of procedures for the collection and analysis of statistical data of public participants in, and beneficiaries of transportation programs; establishment of procedures to identify and eliminate discrimination; and identification and implementation of affirmative measures to ensure nondiscrimination.

For guidance on Public Involvement, refer to Chapter 4 of WSDOT *Community Engagement Plan*. MPOs with an FHWA approved public involvement plan should rely on their own plan and process.

## Limited English Proficiency (LEP) – Executive Order #13166

Executive Order 13166 addresses nondiscrimination based on national origin by requiring agencies that receive federal financial assistance and their subrecipients to take reasonable steps to ensure that LEP persons have meaningful access to an agency's programs and services. LEP requirements may obligate a LPA to provide communications in a language other than English.

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. Washington is home to millions of individuals from different cultures and backgrounds. A significant number are limited English proficient. The US Census data estimate for 2017 (factfinder.census.gov) indicates 7.6% of our State's population, or over 510,000 people five years old or older, speak English less than 'very well.'

Executive Order 13166 directs recipients of federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to programs, services, and activities. The following chart, although not complete, shows responsibilities relative to LEP services between LPAs and WSDOT-OEO.

Activity	Responsibility	
	LPA/ MPO	Title VI Program
• Assessing and addressing the needs of eligible persons	X	
• Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
• Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
• Compliance, monitoring, and oversight	X	X
• Providing technical assistance and guidance		X
• Reporting accomplishments and goals	X	

The key to providing meaningful access for LEP persons is to ensure effective communication exists between the LPA and the LEP person. To accomplish effective communication, the following are appropriate steps:

1. Conduct a demographic profile of existing population then use Four Factor Analysis to analyze the specific language services appropriate to provide.
2. Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations.
3. Provide for oral language assistance.
4. Notify LEP customers of the availability of language assistance services.
5. Translate vital documents into languages other than English.
6. Train staff.
7. Develop written procedures.
8. Monitor and evaluate access to language assistance.

Washington State Department of Enterprise Services (DES) has various contracts for certified language services: translators, interpreters, 24/7 language line, etc. LPAs can use these National Association of State Procurement Officer (NASPO) contracts. <https://des.wa.gov/services/contracting-purchasing/current-contracts>

### **Guidance and Resources**

- Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/ Monday, January 22, 2001.
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000 <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20867.pdf>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001 <https://www.justice.gov/file/1252451/download>
- USDOT’s LEP Guidance [www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance](http://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance)
- FHWA’s LEP handbook on [www.LEP.gov](http://www.LEP.gov)

## 28.8 Corrective Action

Effective compliance of Title VI requires that WSDOT take prompt action to achieve voluntary compliance in any instance of noncompliance.

If a subrecipient is out of compliance or believed to be out of compliance with Title VI, WSDOT-OEO has three potential remedies:

1. Resolve the noncompliance status or potential noncompliance status by voluntary means by entering into an agreement which becomes a condition of assistance;
2. Refuse to grant or continue assistance where voluntary compliance efforts are unsuccessful; or,
3. Refer the violation to the FHWA, FTA or Federal Aviation Administration (FAA), as appropriate, who will forward to the U.S. Department of Justice for judicial consideration when voluntary compliance efforts are unsuccessful.

LPAs should attempt voluntary compliance at the start in every noncompliance situation and pursue it through each enforcement action. Similarly, when an applicant fails to file an adequate assurance or breaches its terms, WSDOT-OEO will provide prompt notice on the nature of the noncompliance problem and identify possible consequences and an immediate effort made to secure voluntary compliance.

Oversight monitoring of contract/grant/permit/loan subrecipients is critical to ensuring compliance with Title VI. Upon notification of noncompliance from WSDOT, an LPA will be given 90-calendar days to submit corrective action(s). WSDOT can withhold federal funding and will notify FHWA when voluntary compliance is unsuccessful.

## 28.9 Data Collection

The Nondiscrimination Agreement between the FHWA and WSDOT obligates recipients and sub-recipients alike to collect statistical data (race, color, national origin, sex, disability and age) of participation in and beneficiaries of the program and activities.

Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e., disproportionately benefiting or harming one group over another is a violation of Title VI. Timely and accurate data allow for better decision making and provide support and defensibility to the decisions made.

CFR 23, Ch.1, Part 200.9 (b. State Actions) (4) requires the State “develop procedures for the collection of statistical data of participants in and beneficiaries of State highway programs; i.e., relocates, impacted citizens and affected communities.” We have assured FHWA to collect statistical data (race, color, national origin, sex, disability and age) on participation in and beneficiaries of the program and activities. Data collection by LPAs also provides measurable performance evidence related to Title VI when WSDOT reviews LPAs for compliance with Title VI.

Based on Title VI implementing regulations, each LPA is required to:

1. Provide for the collection of data and information to permit effective enforcement of Title VI.
2. Collect data about beneficiaries.
3. Analyze the data and information collected.
4. Eliminate discrimination, when found.
5. Take affirmative measures to ensure nondiscrimination.

#### Analysis

Types of analysis to address compliance with Title VI:

1. Percent of benefits allocated to persons below vs. above poverty line.
2. Distribution of benefits (dollars, facilities, systems, projects) by groups and communities.
3. Impact of investments on income, race, gender, disability and age groups.
4. Allocation of funds by mode (highway, bus, commuter rail, urban rail, etc.).
5. Projected population increases versus planned facilities and types of facilities.
6. Language needs assessment.

### 28.10 Forms - [www.wsdot.wa.gov/forms/pdfForms.html](http://www.wsdot.wa.gov/forms/pdfForms.html)

- [APP28.91](#) Title VI Plan for LPAs with Populations over 75,000
- [APP28.92](#) Letter of Intent for LPAs with a Population under 75,000
- [APP28.93](#) Title VI Accomplishments and Goals Report
- [APP28.94](#) USDOT 1050.2A, Standard Title VI Assurances – required annually
- [APP28.95](#) Title VI Complaint Form template (multiple languages)
- [140-562LA](#) Title VI Complaint Log
- [272-059LA](#) Title VI Public Involvement Form (multiple languages)

### 28.11 Reference Website

Title VI - [www.wsdot.wa.gov/EqualOpportunity/titlevi.htm](http://www.wsdot.wa.gov/EqualOpportunity/titlevi.htm)

## 28.12 Appendices

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Appendix 28.76	Vacant
Appendix 28.77	Vacant

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# **Appendix 28.71      Vacant**

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## **Appendix 28.72      Vacant**

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## **Appendix 28.73      Vacant**

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# **Appendix 28.74      Vacant**

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# **Appendix 28.75      Vacant**

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## **Appendix 28.76      Vacant**

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# **Appendix 28.77      Vacant**

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## Letter of Intent to Comply with WSDOT Title VI Plan

In lieu of adopting a Title VI Plan, the \_\_\_\_\_ agrees to comply with the WSDOT Title VI Plan.

The \_\_\_\_\_ assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The \_\_\_\_\_ 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.

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

In the event the \_\_\_\_\_ distributes federal aid funds to a sub-recipient, the \_\_\_\_\_ will include Title VI language in all written agreements and will monitor for compliance.

The \_\_\_\_\_ is responsible for initiating and monitoring Title VI activities, collecting data, preparing reports (including Appendix 28.93) and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation, WSDOT Title VI Plan, and the WSDOT Local Area Guidelines manual.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Executed

\_\_\_\_\_  
Name and Title of Public Works/Transportation Manager

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Name and Title of Title VI Coordinator

\_\_\_\_\_  
Email Address

**Required Attachment:** signed, unaltered USDOT1050.2a, Standard Title VI Assurances

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# Title VI Plan

**Washington State Department of Transportation  
Office of Equity and Civil Rights**

FFY2023



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This document is available in an alternate format. For information, email the Office of Equity and Civil Rights at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov), or call 1.360.705.7090.



## Washington State Department of Transportation Title VI Plan

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## Introduction

The vision of Washington State Department of Transportation (WSDOT) is to deliver safe, reliable, and cost-effective transportation options to improve communities and economic vitality. WSDOT works diligently to further that mission through inclusion, practical solutions, and workforce development. As a recipient of federal financial assistance from the U.S. Department of Transportation (USDOT), WSDOT is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

No person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The U.S. Department of Justice (USDOJ), as the federal government's coordinating agency for Title VI, implemented its Title VI program in 28 C.F.R. Part 42. All federal agencies are directed to enact "rules, regulations, or orders of general applicability" to achieve the statute's objectives. USDOT implemented its Title VI program in 49 C.F.R. Part 21.

WSDOT, as a state transportation agency which receives federal assistance, must establish a Title VI compliance program for all sub-recipients who obtain federal assistance through it. WSDOT's Office of Equity and Civil Rights (OECR) is responsible for initiating and monitoring Title VI activities, preparing required reports, and enforcing other state transportation agency responsibilities.

All WSDOT personnel will assist WSDOT's Title VI Program Coordinator in the effective implementation of the Title VI Program.

WSDOT's Title VI Program Coordinator may be contacted as follows:

### Contact Information

Jackie Bayne  
Title VI Program Coordinator  
310 Maple Park Avenue SE  
P.O. Box 47314  
Olympia, WA 98504-7314  
(360) 705-7090  
[TitleVI@wsdot.wa.gov](mailto:TitleVI@wsdot.wa.gov)  
Fax 360-705-6801  
Washington State Relay at 711

## Title VI Policy Statement

It is the Washington State Department of Transportation's (WSDOT) policy to assure 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, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. This is also reflected in WSDOT Executive Order 1087. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at (360) 705-7090.

## Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

## Notificación de Título VI al Público

La política del Departamento de Transporte del Estado de Washington (Washington State Department of Transportation, WSDOT) es garantizar que ninguna persona, por motivos de raza, color u origen nacional, según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964, sea excluida de la participación, se le nieguen los beneficios o se le discrimine de otro modo en cualquiera de sus programas y actividades. Cualquier persona que considere que se ha violado su protección del Título VI puede presentar una queja ante la Oficina de Equidad y Derechos Civiles (Office of Equity and Civil Rights, OECR) del WSDOT. Para obtener más información sobre los procedimientos de queja del Título VI o información sobre nuestras obligaciones contra la discriminación, comuníquese con el coordinador del Título VI de la OECR al (360) 705-7090.

## Información del Acta de estadounidenses con Discapacidades

Este material puede estar disponible en un formato alternativo al enviar un correo electrónico a la Oficina de Equidad y Derechos Civiles a [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) o llamando a la línea sin cargo 855-362-4ADA(4232). Personas sordas o con discapacidad auditiva pueden solicitar la misma información llamando al Washington State Relay al 711.

## 제6조 관련 공지사항

워싱턴 주 교통부(WSDOT)는 1964년 민권법 타이틀 VI 규정에 따라, 누구도 인종, 피부색 또는 출신 국가를 근거로 본 부서의 모든 프로그램 및 활동에 대한 참여가 배제되거나 혜택이 거부되거나, 또는 달리 차별받지 않도록 하는 것을 정책으로 하고 있습니다. 타이틀 VI에 따른 그/그녀에 대한 보호 조항이 위반되었다고 생각된다면 누구든지 WSDOT의 평등 및 민권 사무국(OECR)에 민원을 제기할 수 있습니다. 타이틀 VI에 따른 민원 처리 절차에 관한 보다 자세한 정보 및/또는 본 부서의 차별금지 의무에 관한 정보를 원하신다면, (360) 705-7090으로 OECR의 타이틀 VI 담당자에게 연락해주시오.

## 미국 장애인법(ADA) 정보

본 자료는 또한 평등 및 민권 사무국에 이메일 [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) 을 보내시거나 무료 전화 855-362-4ADA(4232)로 연락하셔서 대체 형식으로 받아보실 수 있습니다. 청각 장애인은 워싱턴주 중계 711로 전화하여 요청하실 수 있습니다.

## Раздел VI Общественное заявление

Политика Департамента транспорта штата Вашингтон (WSDOT) заключается в том, чтобы исключить любые случаи дискриминации по признаку расы, цвета кожи или национального происхождения, как это предусмотрено Разделом VI Закона о гражданских правах 1964 года, а также случаи недопущения участия, лишения льгот или другие формы дискриминации в рамках любой из своих программ и мероприятий. Любое лицо, которое считает, что его средства защиты в рамках раздела VI были нарушены, может подать жалобу в Ведомство по вопросам равенства и гражданских прав WSDOT (OECR). Для дополнительной информации о процедуре подачи жалобы на несоблюдение требований раздела VI, а также получения информации о наших обязательствах по борьбе с дискриминацией, пожалуйста, свяжитесь с координатором OECR по разделу VI по телефону (360) 705-7090.

## Закон США о защите прав граждан с ограниченными возможностями (ADA)

Эту информацию можно получить в альтернативном формате, отправив электронное письмо в Ведомство по вопросам равенства и гражданских прав по адресу [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) или позвонив по бесплатному телефону 855-362-4ADA(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.

## Thông báo Khoản VI dành cho công chúng

Chính sách của Sở Giao Thông Vận Tải Tiểu Bang Washington (WSDOT) là bảo đảm không để cho ai bị loại khỏi sự tham gia, bị từ khước quyền lợi, hoặc bị kỳ thị trong bất cứ chương trình hay hoạt động nào vì lý do chủng tộc, màu da, hoặc nguồn gốc quốc gia, theo như quy định trong Mục VI của Đạo Luật Dân Quyền năm 1964. Bất cứ ai tin rằng quyền bảo vệ trong Mục VI của họ bị vi phạm, đều có thể nộp đơn khiếu nại cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng (OECR) của WSDOT. Muốn biết thêm chi tiết liên quan đến thủ tục khiếu nại Mục VI và/hoặc chi tiết liên quan đến trách nhiệm không kỳ thị của chúng tôi, xin liên lạc với Phối Trí Viên Mục VI của OECR số (360) 705-7090.

## Thông tin về Đạo luật Người Mỹ tàn tật (Americans with Disabilities Act, ADA)

Tài liệu này có thể thực hiện bằng một hình thức khác bằng cách email cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) hoặc gọi điện thoại miễn phí số, 855-362-4ADA(4232). Người điếc hoặc khiếm thính có thể yêu cầu bằng cách gọi cho Dịch vụ Tiếp âm Tiểu bang Washington theo số 711.

### العنوان 6 إشعار للجمهور

تتمثل سياسة إدارة النقل بولاية واشنطن (WSDOT) في ضمان عدم استبعاد أي شخص على أساس العرق أو اللون أو الأصل القومي أو الجنس، وفق ما يُنص عليه في العنوان 6 من قانون الحقوق المدنية لعام 1964، من المشاركة في، أو الحرمان من فوائد، أو التعرض للتمييز في أي من برامجها وأنشطتها. ويمكن لأي شخص يعتقد بأنه قد تم انتهاك حمايته التي يضمنها له العنوان 6 من القانون سالف الذكر، تقديم شكوى إلى مكتب المساواة والحقوق المدنية (OECR) التابع لإدارة النقل بولاية واشنطن (WSDOT). للحصول على معلومات إضافية بشأن إجراءات الشكاوى المتعلقة بالعنوان 6 من القانون سالف الذكر و/أو الحصول على المعلومات المتعلقة بالتزاماتنا ذات الصلة بعدم التمييز، يُرجى الاتصال بالمنسق المعني بشؤون العنوان 6 من القانون سالف الذكر في مكتب تكافؤ الفرص على الرقم 705-7090 (360).

### معلومات قانون الأمريكيين ذوي الإعاقة (ADA)

يمكن طلب توفير هذه المواد في تنسيق بديل عن طريق إرسال بريد إلكتروني إلى مكتب المساواة والحقوق المدنية على عنوان البريد الإلكتروني [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) أو عن طريق الاتصال على الرقم المجاني 855-362-4ADA(4232). يمكن للأشخاص الصم أو ضعاف السمع تقديم طلب عن طريق الاتصال بخدمة Washington State Relay على الرقم 711.

### 《权利法案》Title VI 公告

〈華盛頓州交通部 (WSDOT) 政策規定，按照《1964 年民權法案》第六篇規定，確保無人因種族、膚色或國籍而被排除在 WSDOT 任何計畫和活動之外，被剝奪相關權益或以其他方式遭到歧視。如任何人認為其第六篇保護權益遭到侵犯，則可向 WSDOT 的公平和民權辦公室 (OECR) 提交投訴。如需關於第六篇投訴程式的更多資訊和/或關於我們非歧視義務的資訊，請聯絡 OECR 的第六篇協調員，電話 (360) 705-7090。

### 《美国残疾人法案》(ADA) 信息

可向公平和民權辦公室發送電子郵件 [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) 或撥打免費電話 855-362-4ADA(4232)，以其他格式獲取此資料。听力丧失或听觉障碍人士可拨打711联系 Washington 州转接站。

## Ciwaanka VI Ogeysiiska Dadweynaha

Waa siyaasada Waaxda Gaadiidka Gobolka Washington (WSDOT) in la xaqiijiyo in aan qofna, ayadoo la cuskanaayo sababo la xariira isir, midab, ama wadanku kasoo jeedo, sida ku qoran Title VI (Qodobka VI) ee Sharciga Xaquuqda Madaniga ah oo soo baxay 1964, laga saarin ka qaybgalka, loo diidin faa'iidooyinka, ama si kale loogu takoorin barnaamijyadeeda iyo shaqooyinkeeda. Qof kasta oo aaminsan in difaaciisa Title VI la jebiyay, ayaa cabasho u gudbin kara Xafiiska Sinaanta iyo Xaquuqda Madaniga ah (OECR) ee WSDOT. Si aad u hesho xog dheeraad ah oo ku saabsan hanaannada cabashada Title VI iyo/ama xogta la xariirta waajibbaadkeena ka caagan takoorka, fadlan la xariir Iskuduwaha Title VI ee OECR oo aad ka wacayso (360) 705-7090.

## Macluumaadka Xeerka Naafada Marykanka (ADA)

Agabkaan ayaad ku heli kartaa qaab kale adoo iimeel u diraaaya Xafiiska Sinaanta iyo Xaquuqda Madaniga ah oo aad ka helayso [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) ama adoo wacaaya laynka bilaashka ah, 855-362-4ADA(4232). Dadka naafada maqalka ama maqalku ku adag yahay waxay ku codsan karaan wicitaanka Adeega Gudbinta Gobolka Washington 711.

### Translation Services

If you have difficulty understanding English, you may, free of charge, request language assistanceservices by calling (360) 705-7090 or email us at: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

### Español - Spanish

#### servicios de traducción

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al (360) 705-7090, o envíe un mensaje de correo electrónico a: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

### 中文 – Chinese

#### 翻译服务

如果您难以理解英文，则请致电：(360) 705-7090，或给我们发送电子邮件：[TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV)，请求获取免费语言援助服务。

## tiếng Việt-Vietnamese

các dịch vụ dịch thuật

Nếu quý vị không hiểu tiếng Anh, quý vị có thể yêu cầu dịch vụ trợ giúp ngôn ngữ, miễn phí, bằng cách gọi số (360) 705-7090 hoặc email cho chúng tôi tại: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

## 한국어-Korean

번역 서비스

영어로 소통하는 것이 불편하시다면, (360) 705-7090으로 전화하시거나 다음 이메일로 연락하셔서 무료 언어 지원 서비스를 요청하실 수 있습니다: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

## Af-soomaaliga - Somali

Adeegyada Turjumaada

Haddii ay kugu adag tahay inaad fahamtid Ingiriisida, waxaad, bilaash, ku codsan kartaa adeegyada caawimada luuqada adoo wacaaya (360) 705-7090 ama iimayl noogu soo dir: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

## русский-Russian

Услуги перевода

Если вам трудно понимать английский язык, вы можете запросить бесплатные языковые услуги, позвонив по телефону (360) 705-7090 или написав нам на электронную почту: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).

العَرَبِيَّةُ - Arabic  
خدمات الترجمة

إذا كنت تجد صعوبة في فهم اللغة الإنجليزية، فيمكنك مجاناً طلب خدمات المساعدة اللغوية عن طريق الاتصال بالرقم (360) 705-7090، أو مراسلتنا عبر البريد الإلكتروني: [TitleVI@WSDOT.WA.GOV](mailto:TitleVI@WSDOT.WA.GOV).



## Standard DOT Title VI Assurances

23 C.F.R. § 200.9 (a) (1) requires assurances from WSDOT 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 otherwise be subjected to discrimination under any program or activity for which the recipient receives federal assistance from the U.S. Department of Transportation (USDOT).

The nondiscrimination statement signed by Secretary of Transportation, Roger Millar, is included as Appendix 1. The DOT Standard Title VI Assurances, signed by Secretary Millar, are included as Appendix 2.

### Title VI Requirements

Title VI of the Civil Rights Act of 1964 states 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. Under Title VI and the Civil Rights Restoration Act of 1987, federal financial assistance recipients must take affirmative steps to ensure that prohibited discrimination does not occur in any of the recipient's programs or activities, regardless of funding source. To that end, WSDOT is committed to:

- Adopting policies and procedures that support the development and implementation of a functional Title VI program.
- Ensuring meaningful public participation in transportation decision-making, consistent with the guiding principles/strategies outlined in WSDOT's Community Engagement Plan (CEP).
- Preventing, minimizing, mitigating, or correcting high and adverse impacts resulting from WSDOT's programs or activities.
- Monitoring the activities of local public agencies and other sub-recipients by conducting annual desk reviews and periodic onsite reviews to ensure their compliance with all Title VI requirements.
- Ensuring that our operations, services, and programs, are accessible to all WSDOT's customers.
- Providing meaningful language access services, as appropriate, to LEP individuals.
- Incorporating the principles of Environmental Justice (EJ) into its programs, policies, and activities.
- Conducting department federal program area reviews to collect and analyze data that may be useful in identifying and addressing any trends or patterns of discrimination.
- Processing Title VI complaints in a timely manner.

### Organization and Staffing

The WSDOT Secretary of Transportation is responsible for ensuring the implementation of the Agency's Title VI program. In agreement with 23 C.F.R. § 200.9 (b), the secretary has established and staffed OECR to fulfill and implement all federal civil rights requirements.

The Director of the OECR is responsible for the overall management and implementation of the Title VI program on behalf of the secretary. The day-to-day administration of the program lies with the Title VI specialists under the direct supervision of the Title VI Coordinator. The Title VI Coordinator reports directly to the Director of OECR and has access and interaction with the secretary of WSDOT on all matters pertaining to the Title VI program. Organizationally and functionally, the OECR is a part of the Office of the Secretary.

The organizational charts located in Appendix 4 and Appendix 5 reflect the structure of OECR and the organizational structure of WSDOT.

Compliance specialists are on staff in program groups responsible for compliance. The director of OECR assigns program staff a specific portfolio of responsibilities for compliance and monitoring.

#### **Title VI Program**

The Title VI Program group is responsible for the administration of the statewide Title VI program. Internally, the unit is responsible for statewide guidance, technical assistance, and training on Title VI, as well as the development and implementation of WSDOT's FHWA corrective action plan items, special emphasis areas (e.g., a FHWA/FTA placed emphasis on any special program), language assistance policy for Limited English Proficiency (LEP) and Environmental Justice (EJ). Externally, WSDOT's Title VI unit provides guidance, technical assistance and training to local public agency managers, contractors, and other sub-recipients, as well as monitors these entities for compliance with federal guidelines. Title VI program staff is comprised of a Title VI Coordinator located at WSDOT's HQ and Title VI specialists located in HQ and Shoreline. The specialists handle the day-to-day Title VI responsibilities of monitoring compliance, conducting training, and gathering Title VI data for the Annual Goals and Accomplishments (G&A) Report.

#### **Title VI Coordinator Responsibilities**

The Title VI Coordinator works to ensure there is a demonstrated commitment on the part of WSDOT to enforce Title VI and is responsible for overall program implementation. Specifically, the position has the authority and responsibility to implement the Title VI program by:

- Preparing the Title VI Implementation Plan and the Annual G&A report that details the WSDOT's future goals and accomplishments.
- Developing a Language Access Plan (LAP) to include precisely how WSDOT assesses the language needs of the public that it serves, both project by project, and programmatically.
- Ensuring that the procedures for collecting and analyzing Title VI statistical data (by WSDOT program area) are properly executed.

- Assisting program area staff with correcting/resolving identified Title VI compliance matters.
- Reviewing, evaluating, and monitoring WSDOT programs, policies/directives, and activities for compliance with Title VI; e.g., conducting annual Title VI reviews of program areas.
- Coordinating Title VI program implementation with WSDOT program area liaisons
- Conducting Title VI training sessions, learning workshops and making information available on the OECR website
- Providing technical assistance in the development and implementation of Title VI programs to sub-recipients.
- Conducting Title VI compliance reviews federal program areas, cities, counties, consultants, contractors, suppliers, colleges/universities, planning agencies and other sub-recipients of federal transportation funds.
- Developing Title VI information for dissemination to the public, including non-English versions.
- Maintaining WSDOT Title VI complaint procedures and processing complaints of discrimination or allegations of noncompliance.
- Advising the Secretary of Transportation concerning significant developments in the implementation of WSDOT's Title VI program.

### **Title VI Internal Specialist**

The Title VI Internal Specialist works to the support the Title VI Coordinator in the enforcement of Title VI. Specifically, the position has the authority and responsibility to implement the Title VI program by:

- Assisting with the gathering of Title VI data for the Annual G&A Report.
- Acting as a point-of-contact for all Title VI internal liaisons.
- Assisting with the preparation of the annual Title VI implementation plan.
- Coordinating Title VI program implementation with WSDOT program area liaisons
- Conducting Title VI training sessions, learning workshops, and making information available on the OECR website.
- Conducting internal review of internal programs, regions, and divisions.
- Reviewing Title VI plans from Metropolitan/Municipal Planning Organizations for compliance issues.
- Monitoring PTD's review of Title VI plans from public transit agencies.

### **Title VI Internal Liaisons**

Title VI internal liaisons are principally responsible for assisting the Title VI Coordinator/Title VI Specialists with Title VI compliance, including, review, collecting Title VI data, and analyzing each program area. Practicing an interdisciplinary approach and working throughout WSDOT's

program areas and regions, liaisons help implement, monitor, and evaluate WSDOT's compliance with federal guidelines. Title VI internal liaisons augment the efforts of the Title VI program group by helping the Title VI group develop policies, procedures, and practices in their respective areas of emphasis. At the direction of the Title VI Coordinator, the Title VI program staff and Title VI liaisons coordinate responsibilities, define objectives and support the implementation of WSDOT's evolving Title VI program. The internal liaisons meet quarterly with Title VI staff.

The Title VI Coordinator aims to have a Title VI liaison continually present in each of the following core departments or divisions:

- Aviation
- Business support services
- Communications
- Construction
- Consultant Services
- Design
- Environmental Services
- Ferry Division
- Rail, Freight and Ports Division
- Local Programs
- Maintenance and Traffic Operations
- Management of Mobility
- Mega Projects (e.g., Alaska Way Viaduct, State Route 520, Interstate 405, Gateway)
- Planning
- Public Transportation
- Real Estate Services
- Research and Library Services
- Staff Development (education and training)
- Toll Division
- Tribal Relations
- WSDOT Regional Offices (6) (see WSDOT regions map at Appendix 8) will have a Title VI liaison who is responsible for Title VI in their respective areas.
  - Eastern Region
  - North Central Region
  - Northwest Region
  - Olympic Region
  - South Central Region

- Southwest Region

The internal liaisons support OEER with Title VI compliance by:

- Promoting Title VI awareness;
- Providing technical assistance to headquarters, district, and local agency personnel;
- Documenting Title VI activities identified in the plan;
- Providing the requested information to annually prepare the Title VI/Nondiscrimination Plan and Title VI/Nondiscrimination Annual G&A Report.

## Definitions

**“Adverse Effects”** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include but are not limited to: Bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community; denial of, reduction in, or significant delay in the receipt of benefits of WSDOT programs, policies, or activities. (U.S. Department of Transportation Order 5610.2(a))

**"Affirmative action"** - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices. 23 CFR § 200.5 - Definitions.

**"Beneficiary"** - Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc. 23 CFR § 200.5 - Definitions.

**"Citizen participation"** - An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals. 23 CFR § 200.5 - Definitions.

**“Complaint”** – Written (and signed) or oral explanation of alleged discriminatory action(s).

**"Compliance"** - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made. 23 CFR § 200.5 - Definitions.

**"Deficiency status"** - The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation. 23 CFR § 200.5 - Definitions.

**"Discrimination"** - That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 United States Code (U.S.C.). 23 CFR § 200.5 - Definitions.

**"Disparate Impact"** – A facially neutral procedure/practice that has a disproportionate, adverse impact on protected individuals, while lacking a substantial legitimate justification. (recipient/sub-recipient cannot directly or through contractual/other arrangements, utilize criteria which have the effect of subjecting individuals to discrimination because of their race, color, or national origin or have the effect of defeating the objectives of the program as regards to individuals of a particular race, color, or national origin). 49 C.F.R. §21.5(b)(2); 28 C.F.R. §42.104(b).

**"Disparate Treatment"** – Similarly situated persons are treated differently because of their race, color, or national origin (No person in the United States shall, on the ground 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 U.S.C. §2000d

**"Facility"** - Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and "the provision of facilities" includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities. 23 C.F.R. § 200.5

**"Federal assistance"** - Includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal property and interests in property,
- (3) The detail of Federal personnel,
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
- (5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

23 CFR § 200.5

**Language Access Plan (LAP)** - A written plan outlining meaningful access to program information, providing managers with details of the agency's language assistance services and documentation requirements.

**Limited English Proficient (LEP) Individuals** - Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

**Local Public Agency (LPA)** is any government entity in the state of Washington that is a sub-recipient of funding, including quasi-municipal corporations or special purpose districts.

**Metropolitan Planning Organization (MPO)** is the policy-making board made up of representatives from local government and transportation authorities. They are created to ensure regional collaboration in the transportation planning process for urban areas with a population over 50,000.

**"Noncompliance"** - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements. 23 CFR § 200.5.

**"Persons"** - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used:

- White not of Hispanic origin,
- Black not of Hispanic origin,
- Hispanic,
- Asian or Pacific Islander,
- American Indian or Alaskan Native.

Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis. 23 CFR § 200.5

**"Program"** - Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. 23 CFR § 200.5

**"State highway agency"** - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to "State highway agency" if the context so implies. 23 CFR § 200.5

**"Program area officials"** - The officials in FHWA who are responsible for carrying out technical program responsibilities. 23 CFR § 200.5

**"Recipient"** - Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program. 23 CFR § 200.5

**Regional Transportation Planning Organization (RTPO)** is an organization representing multiple counties or jurisdictions that identifies local transportation needs, assists local governments, and supports the statewide transportation planning process in non-metropolitan regions of a State.

**"Secretary"** - The Secretary of Transportation as set forth in 49 C.F.R. § 21.17 (g) (3) or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases. 23 CFR § 200.5



**“Sub-recipient”** - an entity that receives a federal funds from WSDOT under an award; and is accountable to WSDOT for the use of the federal funds. This may be an LPA, but also could be a non-profit, educational institution, or RTPO.

**"Title VI Program"** - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

- (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-d4 (49 C.F.R., Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 C.F.R. § 50.3);
- (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4601-4655) (49 C.F.R. Part 25; Pub. L. 91-646);
- (3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. §§ 3601-3619);
- (4) 23 U.S.C. § 109(h);
- (5) 23 U.S.C. § 324;
- (6) Subsequent Federal-Aid Highway Acts and related statutes.

23 CFR § 200.5

## WSDOT Program Areas

### Aviation Division

WSDOT's Aviation Division manages airplane registrations and licensing in Washington State. The Division is also responsible for managing 16 airports. Of these 16 state-managed airports, nine airports are state-owned, three are operated by special use permit, three are leased, and one is operated through a right of entry.

The Aviation Division fosters the development of aeronautics and the state's aviation system in helping provide access and economic vitality to communities. The division is focused on meeting aviation demand through the maintenance of existing aviation infrastructure while building a sustainable aviation system.

Title VI monitoring in this program includes:

- Send out Commercial Aviation Coordinating Commission Community Engagement notes to build relationships with Community Based Organizations that will help us achieve better Title VI results.
- Making timely consultation with human resource agencies regarding race, color, or national origin of populations relative to an action's impact areas.

- Reaching out to local community leaders, tribal elders, or other suitable spokespeople early in the environmental process.
- Retaining an official record of all Title VI issues, including issues related to race and ethnicity (e.g., minority populations) raised at EIS scoping meetings or through other public involvement process(es).
- Maintaining a list of any airport-related Title VI lawsuits, complaints or investigations filed against the airport sponsor in the year preceding the date FAA plans to issue the AIP grant for this project, and outcome.
- Reviewing the implementation of the Aviation Program to ensure activities are performed in a nondiscriminatory manner.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Aviation's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a

statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OEER.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

## Business Support Services

The Business Support Services provides direction, services, and training for a variety of administrative, legal, policy, and improvement activities to assist WSDOT in serving the traveling public in an efficient and effective way. BSS provides a variety of services to help WSDOT with a wide range of insurance, risk and legal issues. Areas of service include:

- Recovery for damage to WSDOT highway property
- Major accident investigations
- Risk management education and expertise
- Tort liability self-insurance management
- Insurance
- WSDOT general liability claims
- Records & Information Management
- Ferries Division general liability claims
- Ferries Division on-the-job employee injury (seaman) claims
- WSDOT vehicle liability claims and vehicle property damage recovery

Title VI monitoring in this program includes:

- Documenting the number of translation requests and number of vital documents translated (noting the language and data used to determine translated language).
- Providing notice of WAC hearings in languages other than English as dictated by the area's population and ensure the hearings are accessible to all individuals.
- Continuing to raise awareness of forms management within the agency and the importance that the forms undergo all aspects of legal compliance, including accessibility by LEP persons.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Business Support Services' portion of the Annual Title VI G&A Report.

## Title VI Data Collection

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Communications Office**

Communications Office staff coordinates agency communications to help inform the public about the WSDOT's activities. Communications Division staff provides information about highway construction and maintenance projects, traffic and road conditions, agency performance and much more. Communications Office staff also responds to inquiries from the public through e-mail, as well as by telephone, and refers questions to many experts within WSDOT. The WSDOT Communications Manual provides guidance for meeting ADA, LEP, and Title VI requirements.

OECR conducted its first internal review with Communications Office in October 2020. OECR discussed and reviewed with them their Title VI processes, procedures, news releases, notices, data gathering and training opportunities. This review is currently ongoing with FHWA.

Title VI monitoring in this program includes:

- Reviewing and ensure the agency website, and all relevant press releases announcing public meetings, open houses or other public events include ADA and Title VI notices.
- Adding the LEP link to the Accessibility/Title VI webpage.
- Adding "people-first" inclusive language guidance to the WSDOT Communications Manual.
- Monitoring and updating web links, to the DES master contract, information for translation and interpretive services, which are included in the online Communications Manual.

- Continuing to improve the WSDOT website to ensure it is accessible for LEP persons.
- Reviewing the implementation of the Headquarters' Communications Program to ensure activities are performed in a nondiscriminatory manner.
- Gathering Title VI information from agency's communication staff and draft HQ Communications' portion of the Annual Title VI Accomplishment and Update Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans

- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Construction Division**

The Construction Office is responsible for the administration of new construction projects. All external communications are reviewed and approved by the Region Communications Office. The Construction Office sets policy and provides guidance and oversight for the decentralized administration of transportation construction projects by the regions and the regional project engineers.

Title VI monitoring in this program includes:

- Reviewing all chapters in the construction manual to ensure they are consistent with Title VI, LEP, and Environmental Justice where required.
- Participate in the Title VI compliance review by OECR and FHWA.



- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements. (Including contract advertisements and award letters).
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Construction's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information

- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Consultant Services Office (CSO)**

The CSO is responsible for the procurement of department-wide architectural, engineering and personal services. Personal services contracts may include, but is not limited to, contracts for transportation studies, media and public involvement.

### **Consultant Selection Process**

Selection of consultants is made either by the Consultant Selection Board process, or from a scored and ranked register. Upon selection of consultants, the office assists the WSDOT's project managers with negotiation and administration of those contracts.

All public hearings and meetings require the development of procedures for the collection of statistical data (race, color, sex and national origin) on state highway program participants and beneficiaries such as relocatees, impacted citizens and affected communities. Public Involvement Forms (DOT 272-059) are available for meeting attendees to complete. This form requests attendees to provide information on their race, ethnicity, national origin and gender. It is available in seven languages, including Spanish, Arabic, Russian, Somali, Chinese, Vietnamese, and Korean, from the Office of Equity and Civil Rights.

Title VI responsibilities in this program includes:

- Reviewing and revising directives and procedures to ensure the presence of Title VI language.
- Providing Title VI assistance in the development of Title VI compliance assurances for consultants.
- Collecting statistical information on attendees of public meetings and outreach activities to analyze and compare to population demographics for tracking how well different segments of the population are represented.
- Continuing to review and improve CSO's Consultant Information Sheet for keeping records of outreach activities and demographic information collected.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Reviewing the implementation of the Consultant Services' Program to ensure activities are performed in a nondiscriminatory manner.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Consultant Services' portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings

- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Design Office**

The Design Office in the Development Division performs studies to assess various environmental factors that relate to project development. The office also provides technical support to WSDOT's regions during the project development process.

### **Design Process**

The economic, social, topographic and environmental impacts of a proposed project are key factors when considering project location. Federal, state, local and departmental policies and procedures require that public hearings and/or informational meetings be held to give all people, including minorities and low-income populations, an opportunity to obtain project-affected information and to express their opinions on proposed project locations. Special efforts are made to inform members of minority, LEP, and low-income communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers, use of appropriate languages, and selection of accessible locations and times for public hearings.

Title VI monitoring in this program includes:

- Continuing to review and monitor the procedures, for the hearing process, to collect demographic information.
- Ensuring the processes through which project location are selected comply with Title VI nondiscrimination requirements.
- Consulting and seeking input from all affected populations, including LEP, disabled and elderly individuals.
- Ensuring equal access to public consultation forums throughout the project selection process.

- Providing notice of all public consultation forums in minority newspapers, newsletters, online media, and in languages other than English as dictated by the area's population.
- Gathering and maintaining required Title VI compliance documentation and statistical data (race, color, sex and national origin) at public meetings, hearings and consultation forums.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements, operational manuals and directives.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Design Office's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)

- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Environmental Services Office (ESO)**

The ESO in the Development Division assists the regions and modes in integrating environmental considerations and regulatory requirements into WSDOT's transportation program. ESO provides technical expertise for project analysis, develops environmental policies, procedures, manuals, and training, and works with regulatory agencies to streamline the environmental permitting process. ESO's National Environmental Policy Act (NEPA)/State

Environmental Policy Act (SEPA) Program provides technical support to project teams in their efforts to engage all communities that are likely to be affected by proposed transportation projects.

ESO works closely with project teams to ensure Title VI compliance for large, complex projects - these projects typically require a NEPA Environmental Assessment or NEPA/SEPA Environmental Impact Statement. ESO also reviews a subsample of NEPA Categorical Exclusions annually in accordance with the Programmatic Agreement between WSDOT and FHWA.

Title VI and EJ activities in this program include:

- Providing guidance to meet Title VI requirements during the social, economic, and environmental analysis of the NEPA/SEPA process.
- Supporting Multimodal Planning and Data Division in efforts to improve EJ and Title VI compliance for planning studies.
- Developing, improving, and maintaining web procedures for identifying and documenting project-level environmental health disparity impacts to protected populations.
- Developing, improving, and maintaining all guidance (web-based and environmental manual) necessary to comply with Title VI, LEP, and EJ during project-level environmental review (the social, economic, and environmental analysis of the NEPA and SEPA processes).
- Collaborating with OECR to create a formal database of external stakeholders of environmental justice and civil rights.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements. (Including all NEPA documents).
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for ESO's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions



- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Human Resources – Workforce Development Office**

The Office of Human Resources, Workforce Development Office, provides professional assistance to WSDOT employees, supervisors, managers, units and divisions by assessing, designing, administering, delivering, and/or evaluating training and organizational development efforts.

#### **Education and Training Process**

Mandatory training required by WAC, RCW and/or federal, state or agency policy or executive decision is set up in the Learning Management System (LMS) and assigned to each employee per the requirement of each training. WSDOT managers and supervisors can access and approve elective and discipline specific training in consultation with their employees and/or as recommended by others. Approval is based on a work-related need or career development within the department.

Title VI monitoring activities in this program include:

- Annually reviewing and revising Workforce Development Division directives and manuals to ensure adherence with Title VI requirements and activities are performed in a nondiscriminatory manner.
- Supporting training efforts related to Title VI, Limited English Proficiency, and Environmental Justice, through training system support for training created and/or loaded in The Learning Center, as well as work performed in support of the agency's strategic plan goals.
- Working with OECR to develop content for needed training and create it in an engaging format utilizing training software solutions.
- Working with OECR to provide all employees with annual Title VI training in TLC.
- Exploring methods to survey participants of Title VI and related subjects, workshops, trainings, webinars, orientations and/or seminars, in order to gather demographic data of public employees who have taken these orientations.
- Ensuring that all employees have equal access to training.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.

- Maintaining Title VI training records and data, including attendance data, for courses administered by the TLC.
- Provide information to the public in languages other than English based on the LEP population.
- Ensure meaningful access to all programs and activities by LEP persons.
- Coordinating and organizing the reporting data for the Workforce Development portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys

- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Local Programs Division**

The WSDOT Local Programs (LP) Division assists OECR with the Title VI responsibility to ensure that cities, counties, and Metropolitan/Municipal Planning Organizations (MPOs) comply with the federal requirements tied to their receipt of federal funds. Local Programs works directly with roughly 150 to 250 Washington local agencies to ensure reasonable compliance in delivering projects administered through their office on behalf of WSDOT.

Title VI monitoring in this program area includes, but is not limited to:

- Ensure LPAs have Title VI compliance documents in place before awarding funds.
- Review LP Division's procedures/criteria used for all projects and activities, including those associated with LTAP training and oversight of LPAs/other subrecipients, to ensure Title VI compliance.
- Review LP Division's procedures associated with NEPA, including the public involvement process, to ensure Title VI compliance (e.g., disparate treatment/disparate impact does not result).
- Perform Project Management Reviews (PMR) to ensure local agencies adhere to Title VI requirements.
- Report any findings, recommendations, and corrective actions to OECR.
- Advise and assist the local agencies in the management of Title VI complaints.
- Ensure the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Collect, analyze, and document demographic data to determine if one protected class is disproportionately impacted compared to other groups.
- Provide information to the public in languages other than English based on the LEP population.
- Ensure meaningful access to all programs and activities by LEP persons.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided

- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;

- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Management of Mobility Division**

The Management of Mobility Division works with internal and external partners to create innovative solutions that safely and efficiently move people and goods around the Puget Sound region. Some of the work this division does includes:

- Integrating mobility and technology by developing policies and programs to manage major incidents, transportation system changes and future construction coordination in the Seattle/Tacoma metro area. We work to bridge the gap between planning and implementation.
- Addressing system challenges and issues in the Puget Sound region by focusing on regional transportation planning and policy. Our efforts focus on HOV policy and long-range planning for the I-5 system. We also serve as the agency's liaison to the Puget Sound Regional Council.
- Implementing corridor level practical solutions to provide safe and reliable mobility choices in the Puget Sound area. We are conducting multimodal corridor planning studies and developing plans as directed by the Legislature; local agency plan review and collaboration; and working with partners to provide an integrated multimodal system.

Title VI monitoring in this program area includes, but is not limited to:

- Ensure the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Review the implementation of the Management of Mobility division to ensure activities are performed in a nondiscriminatory manner.
- Provide information to the public in languages other than English based on the LEP population.
- Ensure meaningful access to all programs and activities by LEP persons.
- Assist the Title VI specialists in gathering and organizing the reporting data for the Management of Mobility Division's portion of the Annual Title VI Goals and Accomplishment Report

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT

- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**



Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Maintenance Operations Division**

The Maintenance Operations Division oversees the day-to-day needs of maintaining the state's highway system including its highway lane miles, bridges, mountain passes and Safety Rest Areas (SRA). SRAs provide highway travelers safe and convenient facilities to rest before continuing with their journey. WSDOT owns and operates 47 SRAs within the state, 28 of these are located on the interstate system. With the exception of three of the smaller sites, these facilities are open to the public 24 hours a day, 7 days a week. The SRA program provides signage at rest room facilities that use universal symbols for men and women, as well as a Braille translation. All SRAs provide universal access for rest, traveler information, and restroom facilities.

Title VI monitoring in this program includes:

- Monitoring and reviewing all maintenance operations to ensure nondiscrimination in all projects, activities, and services, including disseminating information about services in languages other than English.
- Conducting an equity analysis of where work is being performed.
- Working towards an ARCGIS map that will overlay demographic data to determine if any protected classes are disproportionality impacted compared to other groups.
- Conducting a customer satisfaction survey to gather feedback from the public on how Maintenance is doing and include demographic questions.
- Working to ensure any additional proper translations are provided for the 72-hour notice to vacate homeless encampments on WSDOT right of way.
- Ensuring that all field staff are trained to use WSDOT's language access card.

- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Coordinating the gathering of maintenance project information and organizing the information for WSDOT's Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans

- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Megaprograms Division**

Megaprograms are the four programs, in the Puget Sound area that are making multi-modal investments in partnership with local agencies on WSDOT's facilities. Megaprograms include the I-405/SR 167 Corridor, Puget Sound Gateway, SR 520 Bridge Replacement and HOV, and Alaskan Way Viaduct Replacement. We are made up of integrated teams with both WSDOT and consultant staff, and work across WSDOT with Multimodal Development & Delivery, Northwest Region, Olympic Region, Regional Transit Coordination, Toll Division and Management of Mobility to plan and implement investments.

During the environmental review process, the program includes an EJ analysis and engagement for each project-specific National Environmental Policy Act (NEPA) Environmental Assessment (EA), as well as EJ analysis and determinations for project-specific NEPA Categorical

Exclusions (CE). Project-specific community engagement plans during design and construction include meaningful engagement with underserved communities.

Title VI monitoring activities in this program include:

- Continually conduct outreach to the community to keep constituents updated on Program activities, travel, and neighborhood construction effects, and on potential contract opportunities and address community questions or concerns.
- Develop a communications plan including specific EJ communication strategies for continuous and meaningful involvement.
- Document methodology, findings, and public involvement.
- Provide documentation of Title VI activities identified in the plan.
- Introduce project team members to community members at the start of projects.
- Conduct environmental review processes including Environmental Impact Statements (EISs), NEPA reevaluations, and other public environmental processes/documents.
- Ensure the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Review the implementation of the Mega Project's division to ensure activities are performed in a nondiscriminatory manner.
- Provide information to the public in languages other than English based on the LEP population.
- Ensure meaningful access to all programs and activities by LEP persons.
- Assist the Title VI specialists in gathering and organizing the reporting data for the Mega Projects Division's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population

- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Multimodal Planning Division**

The Multimodal Planning and Data Division (MPDD) is responsible for developing transportation plans, providing technical advice to regions for planning studies, and overseeing the Metropolitan Planning Organizations and Regional Transportation Planning Organizations. One of the plans developed by MPDD is the agency's federally compliant public involvement plan, which we call the Community Engagement Plan. This plan applies to all areas of WSDOT.

#### **Data Collection**

MPDD guides collection and use of demographic data for engagement purposes in chapter 3 of the Community Engagement Plan. This guidance includes direction to identify the size and location of low-income and minority populations groups, and to assess any disproportionate burdens or failure of the transportation system to meet their needs. The plan directs staff to develop individual outreach plans including demographic analysis that pays special attention to protected populations including minority, low-income, and non-English speaking populations and identifying how the agency will engage with these protected populations.

The plan suggests the U.S. Environmental Protection Agency's EJ Screen tool as an effective tool for this. EJ Screen uses data from the U.S. Census Bureau and the American Community Survey to calculate demographic data through a geospatial map interface. As a secondary source, the Community Engagement Plan directs staff to school demographic data from the Office of Superintendent of Public Instruction.

#### **Dissemination of Title VI information**

The Multimodal Planning and Data Division include Title VI information in publications, web pages, meeting materials, outreach materials, open house announcements, event sign-in sheets, and other products disseminated to the public. Eastern Region recently began providing Title VI information in large poster format at community engagement sign-in tables. The WSDOT

Community Engagement Plan is presented during public meetings and the Title VI program specialists are introduced whenever possible.

### **Planning Process**

A comprehensive transportation planning process is used to incorporate input from the public. The Community Engagement Plan is used to guide community engagement efforts. MPDD also coordinates with MPOs, RTPOs, and other planning partners to provide Title VI related information. MPDD coordinates closely with WSDOT's Office of Equity and Civil Rights and Environmental Services Office on Title VI, ADA, and Environmental Justice topics, guidance, policy, and best practices.

MPDD and regions engage the public via attendance at community meetings and events. They host planning and project development workshops, open houses and meetings, and present planning and project development on WSDOT, neighborhood, MPO, RTPO, TTPO, and local agency websites and social pages.

Title VI monitoring activities in this program include:

- Providing notices to the public, in various media formats and in languages other than English, based on the LEP population, about open houses and other opportunities to comment on the Highway System Plan and Community Engagement Plan.
- Conducting an equity analysis, as part of the Highway System Plan update, to determine the impact future funding decisions may have on communities of color, low-income populations, people with limited English proficiency, and people with disabilities.
- Conducting a review of our accessibility statements in our published reports and ensure we are meeting standards regarding LEP individuals.
- Ensuring participation of constituents impacted by the WSDOT's transportation planning processes by disseminating pertinent information to minority media and participating in roundtable meetings and other public forums in affected communities.
- Working with OECR to review the Planning Office work program, MPO Procedures Manual, process operations, and other directives to ensure compliance with Title VI program requirements and are conducted in a nondiscriminatory manner.
- Visiting Citizen Advisory Committee meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority communities and collect demographic data to analyze in comparison to area served.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the MPDD portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**



WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Project Development Division**

The WSDOT Project Development Division is made up of six branches that support all modes, projects, and agency programs through policy development and guidance, as well as direct support. These offices include the Design Office, Environmental Services, Bridge and Structures, Real Estate Services, Technical Services and Research.

The key branches within the Division for Title VI compliance are Environmental Services, Real Estate Services, and Technical Services offices. The other offices are insular as far as the scope of services provided being limited to supporting WSDOT internally. All procurement of services for the Division is performed through the Consultant Services Office, described above.

### **Procurement and Materials Management Office**

The Procurement and Materials Management Office buys goods and services via master contracts established by the Department of Enterprise Services. These contracts are re-bid or renewed on an annual or biennial basis.

### **Procurement Process**

The Procurement and Materials Management Office ensures an efficient program for procurement and materials management by utilizing state resources in the most economical way for the purchase of supplies, equipment, and materials.

Title VI monitoring activities in this program include:

- Reviewing written translation annually for any changes and updates.
- Attending at least 10 public outreach events to promote transparent procurement opportunities.
- Ensuring all suppliers and citizens are aware of WSDOT procurement actions and program points of contact.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Monitoring and reviewing, as necessary, all Procurement and Materials Management division's operations and activities to ensure they are performed in a nondiscriminatory manner.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Coordinating the gathering of procurement process information and organizing the information for the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided

- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;

- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Public Transportation Division (PTD)**

The Public Transportation Program provides transportation alternatives for people who want to ride share, use bus services, ride bicycles, or use other efficient transportation choices to get around. The program utilizes state and federal (primarily Federal Transit Authority (FTA)) funding sources to enable transit agencies and other grant sub-recipients to administer and deliver capital equipment and construction projects. The program follows state and federal rules when awarding projects using an open and competitive process while complying with all requirements including Title VI.

PTD follows WSDOT's Title VI plan administered by the OECR. PTD performs an oversight role which includes site visits and periodic review of sub-recipient projects including their Title VI plan. PTD ensures that services and related benefits are distributed in an equitable manner and that no one is discriminated against or denied a benefit based on the grounds of race, color or national origin.

Title VI monitoring in this program includes:

- Reviewing transit agency Title VI plans biannually along with OECR-Title VI staff.
- Reviewing transit agencies' quarterly statistical reports (including complaints, status and actions taken; KLEP plans, et al.
- Ensuring all externally facing documents the division produces include Spanish language, ADA, and Title IV notices.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Enhancing the current Title VI analysis procedures to include a secondary analysis using the Government Alliance for Race and Equity (GARE).
- Continuing to use the newly implemented Title VI Policy Review Checklist during biennial administrative site visits and providing associated technical assistance to subrecipients.
- Reviewing PTD's procedures for conducting Title VI reviews of FTA sub-recipients (e.g., transit agencies).
- Reviewing the processes/procedures associated with development of the Statewide Human Services Transportation Plan to ensure Title VI compliance (e.g., disparate treatment/disparate impact does not result).
- Providing grantee ongoing training and technical assistance for Title VI compliance in outreach and engagement, service planning, and Decision-making.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Rail, Freight and Ports Division (RF&P)**

The RF&P sponsors intercity passenger rail service, manages a short-line rail system, plans freight projects and programs, administers freight rail grant program, and delivers capital construction projects.

Title VI monitoring activities in this program include:

- Monitoring all policy, planning, marketing, public engagement, and grant operations to ensure nondiscrimination and compliance with Title VI. This applies to all work phases.
- Ensuring minorities, low-income, and LEP populations are able to provide input during the planning process of all planning projects. Statistics regarding the outreach activities will be monitored and reported.
- Working with WSDOT's Title VI office to develop strategies for conducting meaningful Project Management Reviews in the future.
- Reporting any findings, recommendations, and corrective actions to OECR.

- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Reviewing activities and programs to ensure that grant application and approval processes are applied uniformly and fairly.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Coordinating the gathering of RF&P process information and organizing the information for the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information

- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Real Estate Services Office (RES)**

The RES manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. The RES is a part of the Project Development Division.

### **Acquisition Process**



The property acquisition process follows the Right-of-Way Manual and all applicable laws and regulations, including Title VI. The right-of-way acquisition process entails appraisal of property, negotiation of terms, conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, and non-profit organizations.

### **Dissemination of Title VI Information**

RES appraises all affected property owners, tenants, and others involved, of their rights and options regarding negotiation, relocation, condemnation, and other aspects of the acquisition process. The Relocation program collects demographic data in a Occupancy Survey from property owners that are relocated as a result of the project. A report is generated showing the summary of the data collected.

### **Limited English Proficiency**

RES maintains brochures/letters in Spanish, Arabic, and Vietnamese that relate to the delivery of the RES program. The brochures and required relocation notices are available on the external RES website at <https://wsdot.wa.gov/engineering-standards/relocation-appraisal-acquisition>.

RES also hires interpreters as needed for projects that require translation to another language for documents, meetings with property owners/tenants, and public hearings. Translation services are dictated by project needs.

RES translates documents on a case-by-case basis when initial contact is made with the property owner at a project open house or at the during the appraisal or presentation of offer. If its determined that the property owners have limited English proficiency, or at the property owner's request, RES will then translate the documents appropriately. Translated copies, in various languages, of the Relocation Forms can be found at the following link: [Relocation, appraisal & acquisition | WSDOT \(wa.gov\)](#)

The RES template property needs and the brochure for the acquisition of property rights is currently offered in both English and Spanish.

Other Title VI monitoring activities in this program include:

- Ensuring that internal procedures are reviewed and updated as necessary to maintain Title VI Program compliance during all phases of the right-of-way process.
- Reviewing printed materials to ensure all appropriate Title VI language appears in the appropriate areas of the RES documents.
- Incorporating all translated documents to our document database for use on a statewide basis.
- Using interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department's services.
- Monitoring and reviewing all program functions and activities for compliance with Title VI provisions.

- Providing guidance to ensure Title VI language and assurance statements are incorporated in all surveys of property owners and tenants after the conclusion of all business.
- Incorporating use of the Demographic Information form for all impacted property owners in the right of way process.
- Continuing to provide training to RES program staff and include the Title VI Specialist from HQ OECR to ensure compliance with Title VI requirements and to ensure dissemination of Title VI information to the region staff and the public.
- Verifying documents include conformance with USDOT Order No. 1020.2A. (Appendix B – deed from the United States and Appendix C – deeds, permits, and leases).
- Gathering and organizing the statistical data required for RES’s portion of the department’s Annual Title VI G&A Report, including awards to minority and female appraisers, number of relocations, etc.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Research and Library Services Office**

The Research and Library Services Office in the Transportation Safety and Systems Analysis Division is responsible for developing research projects that include not only engineering-related

projects, but other areas such as transit, transportation and environmental studies, and socio-economic analysis.

### **Research Development**

Projects for research are prioritized based on the WSDOT's needs and availability of funding. Approximately 98 percent of all research projects are conducted by state universities and performed by graduate students under the direction of a designated research professor. Department program personnel regularly monitor research projects to ensure they are conducted in a non-discriminatory manner.

Title VI monitoring activities in this program include:

- Verifying the use of a nondiscriminatory process for the selection of grant recipients.
- Reviewing Research Office internal operational procedures, guidelines, directives, and policies to ensure compliance with Title VI requirements.
- Documenting accomplishments and promptly correct Research Office related Title VI program area deficiencies.
- Providing official representation at all Title VI training and meetings provided by OECR.
- Sharing Title VI training information with all RLS staff after representatives attend training.
- Incorporating appropriate Title VI and Language Access notices into published final research reports to accompany ADA notices.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Reviewing the implementation of the Research Program to ensure activities are performed in a nondiscriminatory manner.
- Providing information to the public in languages other than English based on the LEP population.
- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the reporting data for the Research Office portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings

- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **Toll Division**

The Toll Division is responsible for managing traffic and funding major transportation projects and overseeing the operations of Washington State's tolled facilities. Its mission is to fund, develop and operate an integrated network of toll roadways and bridges that improve safety and reliability for state highway patrons. The Toll Division provides strategic leadership across the state for the advancement of tolling and other innovative methods of funding that improve the transportation system.

Title VI monitoring activities in this program include:

- Translating materials into several languages and posted online, information about how to pay tolls, the benefits of opening an account, and the new features and payment options available as part of new Good To Go! back-office system.
- Distributing materials at events, to community groups, service organizations, and social service providers.
- Employing best practices to encourage full participation of constituents impacted by the WSDOT's transportation management processes by disseminating program information to minority media and participating in roundtable meetings and other public forums in affected minority communities.
- Ensuring the inclusion of Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Reviewing the implementation of the Toll Division to ensure that, activities, and resources are performed and applied in a nondiscriminatory manner.
- Providing information to the public in languages other than English based on the LEP population.

- Ensuring meaningful access to all programs and activities by LEP persons.
- Assisting the Title VI specialists in gathering and organizing the Toll Division's portion of the Annual Title VI G&A Report.

### **Tribal Liaison Division**

The WSDOT HQ Tribal Liaison Division focuses on government-to-government relations, communications, and education to help tribes and the WSDOT work effectively with each other. The HQ Tribal Liaison Division serves as a point of contact for tribes within the state of Washington and identifies additional decision makers and technical staff who can assist tribes with their questions or issues. Work related to Title VI usually involves clarifying the applicability of Title VI and Tribal Employment Rights Ordinances (TERO) in project agreements with tribes or for projects located on or near reservations.

Title VI monitoring activities in this program include:

- Ensuring that all aspects of the government-to-government relations, communications, and education processes are conducted in a nondiscriminatory manner and comply with all provisions of Title VI.
- Ensuring all staff receive training on Title VI, LEP, and environmental justice.
- Ensuring the inclusion of applicable Title VI Program provisions, standard assurances, and appropriate appendices in all contracts/agreements.
- Assisting the Title VI coordinators in gathering and organizing the tribal liaison's portion of the Annual Title VI G&A Report.

### **Title VI Data Collection**

Program areas are responsible for collecting data on race, color, national origin, and language spoken other than English as it pertains to their potential interaction with the public.

To standardize data for year-to-year comparisons, each program will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided
- Number of interpreter services provided
- Cost of translation and interpreter services provided

- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

Established sources of data and analysis tools used include:

- [U.S. Census Data](#)
- [EJScreen](#)
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

### **LEP Data Collection**

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

### **Data Analysis**

Each program area is responsible for analyzing the data annually to identify and address any trends or patterns of discrimination or protentional for discrimination. Each program area is also responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;



- Persons included in the decision-making process;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

### **WSDOT's Ferry Division (WSF)**

The WSF operates as a public entity that provides marine transportation services to state residents and visitors seeking mobility in the waters of Puget Sound. WSF operations are funded through a number of different state and federal funding sources, including the United States Department of Transportation (USDOT). Title VI of the Civil Rights Act of 1964 and the Federal-Aid Highway Act of 1973 prohibit discrimination based on race, color, national origin, and sex in the provision of benefits and services resulting from federally assisted programs and activities. WSF is a major recipient of USDOT funds and is therefore subject to the provisions and administrative requirements of Title VI.

The following portion of WSDOT's Title VI Plan delineates the civil rights responsibilities of WSF under the jurisdictions of FHWA and FTA. WSDOT submits a Title VI Plan (which primarily focuses on WSF's Title VI activities) to FTA every three years. It should be noted here that FTA's 2017 review of WSF's operations resulted in no negative findings related to Title VI concerns. Title VI implementation within WSF operations is divided into special emphasis program areas. Each program area represents a WSF operational element requiring assigned Title VI responsibilities.

WSF will share the same commitment to nondiscrimination as expressed in WSDOT's Title VI Policy signed by the Secretary of Transportation. Additionally, WSF will adhere to the provisions of the Standard DOT Title VI Assurances and Appendices (DOT 1050.2) as adopted by WSDOT.

All Title VI complaints originating from any of the WSF special emphasis program areas will be handled according to the approved procedures delineated in WSDOT's Title VI Plan. There are no such Title VI complaints for the current reporting period.

### **WSF 2040 LONG-RANGE PLAN**

Washington State Ferries' Long-Range Plan recommends short-, medium- and long-term actions, investments, and service enhancements to be implemented over 20 years. The WSF 2040 Long-Range Plan was completed in January 2019. As part of the Long-Range Plan, WSF conducts a demographic analysis to better understand the communities it serves and how to reach them during the planning process. This analysis aligns with WSDOT's Community Engagement Plan, Human Services Transportation Plan, and Practical Solutions approach.

Community engagement for the Long-Range Plan includes consulting with all potentially affected community members, including those who are historically-underserved such as minority, limited-English proficient (LEP), and low-income community members.

The Long-Range Plan demographic analysis and community engagement findings serve as a foundation for all subsequent community engagement plans as projects and service changes, recommended in the plan, are implemented.

### **ORIGIN-DESTINATION SURVEY**

WSF conducts a comprehensive, system-wide travel survey approximately every 7-10 years to help inform service planning to meet future travel patterns, future capital investments and how WSF can better understand and meet the needs and travel patterns of its customers. This 'origin-destination survey' includes demographic questions to help assess the characteristics of ferry riders and to support future service decisions. The survey collects data on income, age, race, gender and ethnicity for individual routes and travel corridors with the ferry system.

### **WSF VESSEL ENGINEERING AND MAINTENANCE DEPARTMENT**

The WSF's Vessel Engineering and Maintenance Department is responsible for the administration of WSF's vessel construction, preservation, and maintenance contracts with private shipyards.

#### **Construction Process**

The Vessel Engineering and Maintenance Department is responsible for developing an efficient program for vessel construction, preservation, and maintenance using human, equipment and material resources in the most economical way possible. The Vessels Department also sets policy and provides guidance and oversight for the decentralized administration of vessel construction and maintenance projects. WSF's Contracts and Legal Services Department advertises and awards all contracts to private shipyards.

Title VI monitoring activities in this program include:

- Reviewing activities and programs to ensure nondiscrimination in all aspects of vessel construction, preservation, and maintenance.
- Including appropriate Title VI provisions, standard assurances, and appropriate appendices in all projects, contract advertisement, and award letters.
- Coordinating the gathering of vessel construction/maintenance data for the Annual Title VI G&A Report.

#### **Vessel Maintenance**

The WSF Vessel Maintenance Office is responsible for the development of a program that ensures reliable and safe vessel service.

#### **Maintenance Process**

The WSF's Vessel Engineering and Maintenance Department provides guidance and oversight for the administration of system-wide vessel maintenance projects. A major Department priority is to preserve existing assets and provide support to the Operations Department to provide a safe and reliable service to the public.

Title VI monitoring activities in this program include:

- Monitoring all vessel maintenance activities to ensure nondiscrimination.
- Reviewing activities and programs to ensure that vessel maintenance efforts and resources are applied uniformly and fairly.
- Reviewing all projects for the application Title VI program requirements.
- Including Title VI provisions, standard assurances, and appropriate appendices in every contract/agreement, contract advertisements and award letters.
- Providing information to the public in languages other than English based on the LEP population.
- Coordinating the gathering of vessel maintenance information for the Annual Title VI G&A Report.

### **WSF TERMINAL ENGINEERING DEPARTMENT**

WSF's Terminal Engineering Department is responsible for developing an efficient program for ferry terminal construction, preservation and maintenance using human, equipment, and material, resources in the most economical way possible. The Department also performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. The Department also provides technical support to WSDOT Regions that may be involved during the project development process.

#### **Design Process**

Economic, social, topographic and environmental impacts of a proposed project are key factors weighed in location consideration. Federal, state, local and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens an opportunity to obtain information and express their opinions on proposed project locations. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible locations and times for public hearings.

Title VI monitoring activities in this program include:

- Ensuring that all aspects of a project's location selection process comply with the nondiscrimination requirements of Title VI.
- Seeking input from all affected populations, including minority, and low-income persons.
- Developing mechanisms to gather demographic data to identify populations affected by WSF activities.
- Promoting equal access to public consultation forums regarding the location selection process.
- Providing notice of public consultation forums in minority newspapers, online media, newsletters, and in languages other than English based on the LEP population.

- Gathering and maintaining required Title VI compliance documentation and statistical data.
- Monitoring all project functions to ensure compliance with Title VI requirements.
- Reviewing the attendance records for public consultation forums to ensure the participation of affected minority and low-income communities.

### **Construction and Maintenance**

The Terminal Engineering Department is responsible for contract administration, construction inspection, and engineering support for ferry terminal construction, preservation, and maintenance efforts. The Department also has a responsibility to follow statewide policy as well as establish and follow policy specific to the administration of terminal construction, preservation, and maintenance contracts.

Title VI monitoring activities in this program include:

- Review activities and programs to ensure nondiscrimination in all aspects of the terminal construction and maintenance process.
- Review all federally funded projects for the application of DBE program requirements.
- Include Title VI provisions, standard assurances, and appropriate appendices in every contract/agreement, contract advertisements and award letters.
- Coordinate the gathering of Terminal Construction information for the Annual Title VI G&A Report.
- Monitoring Title VI compliance at all levels of the federally assisted terminal construction and maintenance process.

### **WSF Training and Development Department**

The WSF's Training and Development Department provides overall training program administration within WSF. The Department provides training required to comply with federal, state, and international law. The Department also provides other necessary training to enhance both the technical and general skills of WSF personnel and the safety and health of the WSF workforce. The Department interfaces with WSDOT Office of Human Resources and its Staff Development Office to provide NHI and engineering training, employee development, and management development training, as appropriate.

#### **Education and Training Process**

A training matrix, a list of training courses that are required or recommended, has been established for every major job classification within WSF. WSF managers can access upcoming courses and register employees as training needs arise.

Non-Merit system employees will receive training appropriate to their current job duties, their safety and health, changes in policy and procedures, and to comply with all federal, state, and international laws. The WSF Training and Development Department will monitor these requirements within WSF and schedule classes when necessary.

Title VI monitoring activities in this program include:

- Ensuring that all employees have equal access to training appropriate to their position or assignment.
- Annually review and revise directives and manuals to ensure adherence with Title VI requirements.
- Creating a policy/guideline for the selection of participants interested in taking Title VI workshops, to ensure that no one is denied participation or subject to discrimination on the basis of race, color, or national origin.
- Exploring methods to survey participants of Title VI and related subjects, workshops, trainings, webinars, orientations and/or seminars, in order to gather demographic data of public employees who have taken these orientations.
- Maintaining program administration documentation and data necessary for the preparation of the Annual Title VI G&A Report, including attendance data for all formal training conducted.

## WSDOT Regional Offices

The regional offices have oversight responsibilities to ensure that all of their special emphasis program areas comply with Title VI requirements within the region. The regional offices coordinate efforts with OECR and HQ Title VI liaisons to ensure Title VI compliance. Regional offices provide data, statistics and information regarding Title VI compliance to their respective HQ offices for inclusion in WSDOT's various Title VI monitoring, compliance and reporting activities.

## Sub-recipient Review Procedures

### Title VI Plan for LPAs

LPAs with populations of 75,000 or more must individually create a Title VI Plan in accordance with the Local Agency Guidelines (LAG) Manual, Section 28.2, available online.

Instead of a Title VI Plan, LPAs below 75,000 in population may execute a 'Letter of Intent to Comply with WSDOT Title VI Plan,' Appendix 28.92 in the [LAG Manual](#), in order to be eligible for federal funding. Execution of the Letter Intent means the entity has agreed to:

- Provide and maintain a Title VI policy statement;
- Execute a signed Standard Assurances (USDOT 1050.2a) annually, updating within 30 calendar days of leadership or Title VI organizational changes;
- Comply with WSDOT requirements in all contract documents and agreements;
- Designate an employee suitable to serve as the LPA's Title VI Coordinator;
- Provide the public notice of their rights against discrimination under Title VI and how to file a Title VI discrimination complaint (includes LEP notices, when applicable);
- Follow WSDOT policy/procedures for handling Title VI complaints, following WSDOT process for reporting informal and formal complaints to WSDOT;

- Participate in WSDOT Title VI training annually;
- Train the LPA's transportation-related staff on Title VI requirements;
- Collect statistical data (race, color or national origin) of participants/beneficiaries for the life of each program, service, facility and project;
- Stimulate and invite public involvement to assure projects/services/activities include input from minority and low-income populations within the LPA's service area; and,
- Comply with all Title VI requirements as outlined in Chapter 28 of the LAG Manual.

### *Sanctions*

In the event an LPA fails or refuses to comply with the terms of the Letter of Intent or Title VI Plan, WSDOT may take any or all of the following actions.

- Cancel, terminate or suspend the agreement completely or in part.
- Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred, until WSDOT has satisfactory assurance of future compliance from the LPA.
- Take such other action deemed appropriate under the circumstances, until LPA complies or remedial action completed.
- Refer the case to the USDOJ for appropriate legal proceedings.

### **Subrecipient Review Process**

In addition to the internal monitoring, WSDOT is responsible for developing and implementing an effective external monitoring program. In accordance with 23 CFR, 200.9(b)(7), OECR conducts reviews of LPAs, universities, colleges, planning agencies, and other recipients of federal aid. WSDOT provides technical assistance to subrecipients in the process of achieving program compliance and periodically verifies Title VI program criteria with onsite reviews and/or desk reviews.

### *Planning Agencies and other Subrecipients*

The Multimodal Planning Division [MPD] has oversight responsibility for federal transportation planning funds. Through an interdisciplinary approach, they foster and participate in necessary Title VI training for planning staff, MPO boards/staff, and RTPO boards/staff. OECR works with MPD by providing Title VI guidance in accordance with FTA Circular 4702.1B during RTPO/MPO scheduled reviews. Appendix A of the Circular contains a checklist of Title VI program requirements.

### *LPAs*

The resource to assist LPAs understand and comply with the Title VI requirements is Chapter 28 of the LAG Manual.

### Onsite Compliance Review selection process

OECR will use a risk-based approach to identify a sample of LPAs receiving federal highway funds with the greatest potential to affect those groups covered by Title VI. Criteria for identifying LPAs for review may include the following:

- Complaints
- Population of agency
- Number of WSDOT Funded Projects
- Number of Limited English Proficiency Populations
- Issues frequently identified as problems faced by program beneficiaries;
- Geographical areas WSDOT targets because of known problems beneficiaries are experiencing or because that area has not been visited for some time;
- Issues raised in a complaint or identified during a complaint investigation;
- Problems identified by community organizations or advocacy groups that cite actual incidents to support their concerns;
- Problems identified by its subrecipients; and/or,
- Problems identified by other state, federal, or local civil rights agencies.

OECR works with the Local Programs Division in obtaining a list of its current local government projects and ensures the review of a diverse group with varying funding amounts.

Number 1 was missing, I am not sure what that said. But #2 and #3 could be removed since the criteria is listed above.

2. The median dollar value of all federally funded LPA contracts awarded during the federal fiscal year is determined. OECR selects two LPAs from the higher end and two from the lower end; and,

3. The number of projects and the type of work/service performed will ensure the project(s) provided opportunity for public involvement.

### Notification

WSDOT notifies LPAs in writing of an onsite compliance review at least 30 calendar days in advance. The notification letter will include an itemized listing that outlines the major Title VI elements requiring supporting documentation. The LPA shall submit supporting documentation to OECR-Title VI within 30 calendar days of the date of the notice.

### Findings

The Title VI Coordinator will review the documents and information submitted by the LPA. OECR will prepare a report of findings, including corrective actions, if applicable. The LPA will be given 90 days to develop and submit to OECR a voluntary correction plan. After the LPA corrects all deficiencies, OECR will provide written notification if it is in compliance. When an LPA does not correct the deficiencies or fails to submit a corrective plan, it may be subject to sanctions including the suspension of federal funding. If there are no deficiencies, the report of findings may provide recommendations for strengthening the LPA's Title VI Program.

### Follow-up Monitoring

OECR-Title VI will determine the need for additional monitoring to obtain a compliant status and ensure ongoing compliance with Title VI/Nondiscrimination requirements. OECR may conduct follow-up reviews to ensure the LPA has complied with the noted deficiencies.

## Data Collection/Reporting/Analysis

Statistical data on race, color, and national origin, of participants/beneficiaries of WSDOT's programs, is gathered and analyzed by relevant program areas as a function of their Title VI, EJ, and LEP responsibilities. In addition to collecting data, each federal program area is responsible for using this data to identify and address any trends or patterns of discrimination. Data collection is vital in ensuring that transportation programs, services, facilities and projects effectively meet the needs of all persons. Data analysis is instrumental in WSDOT's efforts to ensure equitable distribution of transportation benefits/investments, avoid, minimize or mitigate disproportionate effects associated with transportation decision-making, determine language access needs (and develop appropriate communications strategies), and eliminate unlawful discrimination and mitigate protracted discriminatory effects.

Each program area is responsible for collecting Title VI/Nondiscrimination-related data and analyzing the data annually to identify and address any trends or patterns of discrimination. Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination (i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.) Based on Title VI implementing regulations, each program area is required to:

- Provide for the collection of data and information to demonstrate effective enforcement of Title VI;
- Collect data about beneficiaries;
- Analyze the data and information collected;
- Identify potential discrimination and work with OECR to eliminate if found;
- Take affirmative measures to ensure nondiscrimination.

To standardize data for year-to-year comparisons, will use the following benchmarks in its data collection:

- Number of Title VI Complaints filed with WSDOT
- Number of completed investigations with findings
- Number of planned and completed WSDOT reviews
- Number of current, planned, and completed WSDOT subrecipients
- Number of planned and completed training sessions
- Percentage of population that does not speak English proficiently
- Number of languages other than English used by the population
- Number of translation services provided



- Number of interpreter services provided
- Cost of translation and interpreter services provided
- Percentage of population living in poverty
- Percentage of population age 65 and older
- Percentage of population that identified as minority

Whenever possible, the data will be disaggregated to the regional and census tract level to ensure that Title VI compliance is occurring across all WSDOT regions and not just on a statewide basis.

## Data Collection

Program areas are responsible for collecting data on race, color, national origin, sex, age, and disability as it pertains to their potential interaction with the public. Additional data can include language spoken other than English and income status. OECR will work individually with each program area to develop a collected data set which will support the Title VI questionnaire for reporting to FHWA.

Established sources of data and analysis tools used include:

- U.S. Census Data
- School district information
- Direct surveys
- Management systems (pavement and congestion)
- Land use plans
- Geographic Information Systems
- MPO transportation models

All economic and demographic data used by WSDOT comes from reliable governmental sources responsible for collecting and vetting the information for consistency and accuracy. This data is used in WSDOT's Title VI compliance reports to federal transportation agencies.

## Reporting

Internal Title VI reviews are performed annually as a Title VI questionnaire. The annual questionnaire includes general questions regarding Title VI complaints, Title VI training and questions specific to each program, such as:

- Describe the division's procedures on identifying and reporting external Title VI complaints of discrimination.
  - If none, describe efforts to develop procedures.
- Does the Division distribute Title VI information to the general public?
- Describe the Division's FFY2019 LEP-related goals.

- What Title VI training has the Division staff attended?

Once the Title VI liaisons are informed of the questionnaire due date, they will work directly with the Title VI specialists to complete the questionnaire and provide any additional requested information. OECR will work with the federal program areas to identify which data needs to be analyzed from the questionnaire responses. Data analysis results will be included in the Annual G&A Report. The data will be disaggregated to the regional level to ensure compliance is occurring across all WSDOT regions.

## Analysis

Once the Title VI data is collected, the data must be analyzed for identifying patterns of discrimination or the potential for discrimination. Each program area is responsible for analyzing the data collected and recommending corrective action, as appropriate to OECR. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

When determining compliance with Title VI, each program area may consider the following:

- The way services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of their protected class as defined by Title VI authorities;
- The population eligible to be served by race, color and national origin;
- The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
- The present or proposed membership by race, color and national origin, in any planning or advisory body which is an integral part of the program; and
- Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color and national origin.

Types of analysis to address compliance with Title VI include:

- Percent of benefits allocated to persons below the poverty line versus persons above the poverty line;
- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;

- Alternatives to modes, locations, and types of facilities;
- Language assistance needs assessment;
- Transportation needs of all persons within boundaries of plans or projects;
- Persons included in the decision-making process;
- Strategies to address impacts and develop mitigation;
- Priorities for investments;
- Sources for financing investments, and
- Strategies to disseminate information.

### Title VI Training

WSDOT's Title VI training consists of presentations to internal and external audiences statewide. A summary of training conducted is reported in the Annual G&A Report. Individual and targeted training sessions have been conducted to benefit specific geographic areas, entities, or program areas upon request. If any Region, Division, LPA, or external partner would like to request additional training, they may do so by contacting [TitleVI@wsdot.wa.gov](mailto:TitleVI@wsdot.wa.gov) and OECR will work with them to schedule their training. Additional training materials can also be found on our [Title VI webpage](#) and our [Title VI and EJ SharePoint site](#).

OECR is currently developing online trainings that will reach and engage a larger audience. In-person trainings will not be discontinued but will likely be fewer in number if demand decreases due to the online trainings.

OECR conducted annual individual trainings for each program area to review their Title VI, EJ, and LEP responsibilities December 2021 through August 2022. OECR will provide monthly Q & A sessions for Title VI liaisons to address any questions or issues around Title VI, EJ, or LEP.

OECR is currently working with Human Resources to develop a mandatory online Title VI training for all new WSDOT Personnel. This training will provide an overview of general responsibilities around Title VI, EJ, and LEP, as well as an overview of WSDOT's Title VI program.

OECR provided an annual optional online training via Teams on February 16th and 24th of 2022 to all WSDOT staff to give an overview of Title VI, EJ and LEP responsibilities, as well as WSDOT's Title VI program. A recording of the webinar was posted to our [Title VI webpage](#).

OECR will continue to provide additional training on Title VI, EJ, and LEP responsibilities to LPAs, region, and program area liaisons when requested.

OECR will provide bi-monthly reviews, trainings, and/or Q&A sessions for region and program area liaisons to go over their annual Goals and Accomplishments report.

WSDOT recorded and posted to its [Environmental Training webpage](#) an online Title VI webinar training, in conjunction with Communications and the Environmental Justice divisions, along with a Limited English Proficiency webinar.

OECR will continue to provide an online training of basic Title VI responsibilities for LPAs.

OECR will work to provide an additional more in-depth biannual training on threshold/representation analysis, barrier analysis, and selection analysis for program staff and Title VI liaisons.

OECR work with program areas to tailor Title VI data collection and analysis to fit the programs specific book of business.

### **Environmental Justice (EJ) Analysis**

WSDOT strives for a holistic approach to Environmental Justice issues. OECR works with the program areas to consider economic and social effects of it'. Each program area's process will include the following:

- Defining the project and conducting demographic analysis.
- Developing a communications plan including specific EJ communication strategies for continuous and meaningful involvement.
- Identifying potential impacts, mitigation and benefits.
- Documenting methodology, findings and public involvement.

### **Community Engagement**

Federal law, state law, and WSDOT policy require community engagement in WSDOT's transportation decision-making. To aid in this effort, WSDOT has developed a Community Engagement Plan (CEP) which is available at the following link: [WSDOT Community Engagement Plan-2016 Update](#).

The CEP provides guidance to WSDOT employees and the public on the agency's public involvement processes. It also provides strategies and recommendations for collecting and using demographic data, and details tailoring outreach activities to traditionally underserved populations.

The objectives identified in the CEP relevant to Title VI requirements can be summarized as:

- Nondiscriminatory processes and activities.
- Early and continuous public involvement.
- Inclusionary practices in activities and notifications.
- Consideration of the needs of the traditionally underserved.
- Collaboration with other agencies, tribal and local governments, private sector representatives and other officials.
- Convenient and accessible meeting times and locations.
- Reasonable access to information.

- Timely notice of engagement activities, including review periods.
- Acknowledgment and consideration of public comments.

Failing to account for variety in cultural expectations, language, literacy, or income and affordability can create barriers to full participation. In order to have participation that can ultimately inform decision-making, WSDOT shall identify the area demographic(s) and develop an effective approach for outreach and communication. WSDOT recognizes that outreach strategies that are culturally sensitive and tailored to the affected community can help achieve meaningful participation. Strategies, best practices, and other tools can be found within the CEP.

### **Tribal Consultation and Coordination**

Federal regulations require WSDOT to conduct government-to-government consultation with tribal governments of federally recognized Native American Tribes in our transportation planning and program/project activities. WSDOT maintains government-to-government relations with 34 federally recognized tribal governments. The WSDOT Model Comprehensive Tribal Consultation Process for the National Environmental Policy Act provides comprehensive guidance on consultation processes and recommended consultation activities for each type of project under the NEPA review (i.e. CE, EA and EIS). The model is available on WSDOT'S Environmental Services Office webpage: <https://wsdot.wa.gov/sites/default/files/2021-10/TribalManual.pdf>.

### **Program Area Reviews**

WSDOT's Title VI specialists facilitate compliance with Title VI through annual program area reviews.

Program area reviews assess efficacy pertaining to:

- Self-monitoring and corrective action.
- Documentation and reporting of Title VI activities.
- Implementation of Title VI information and vital documents in languages other than English.
- Data collection used to assess high and adverse impacts on EJ populations.

WSDOT Title VI Specialists determine the effectiveness of program activities by first gaining an understanding of the policies/procedures associated with each program area. The Title VI Specialists work with the Title VI Liaison in each program area to ensure that program policies and procedures are compliant with Title VI. If Title VI staff identify policies or procedures that could lead to disparate treatment/disparate impact, they will work with the Title VI Liaison to correct the deficiency. Title VI staff and program liaisons will then monitor the corrective action to see that it has resulted in the desired effect. The period for completion of a corrective action typically does not exceed 90 days.

Collecting information from program areas with Title VI, LEP or EJ activities is essential to WSDOT being able to ensure that its policies, programs, and activities are inclusive and nondiscriminatory, and also aids in compiling its annual Title VI G&A Report. Title VI specialists gather information from Title VI liaisons through a Program Area Review Questionnaire. The

questionnaire includes general questions regarding Title VI complaints, employee Title VI training and questions specific to each program. The Title VI coordinator monitors the progress of Program Area Reviews to ensure timely completion and assists liaisons looking for more guidance on these reports. WSDOT data reviewed in prior years has been instrumental in identifying resources and establishing uniform practices.

In accordance with 23 C.F.R. § 200.9 (b) (5), OEER Title VI staff will conduct two program area reviews on an annual basis. Criteria used in selecting the program area for review may include:

- Changes in program policies/procedures.
- Title VI complaints, concerns, or questions by internal or external parties.
- Deficiencies or observations identified in recent FHWA Program assessments or reviews.
- Program area not reviewed in five-plus years.

Deficiencies in a program will result in Title VI staff providing the program area with guidance in developing an action plan to address necessary corrective actions, or procedural or organizational changes. As with general program area reviews, Title VI liaisons will support Title VI staff in ensuring that program areas apply corrective actions expeditiously. The results of these processes will appear in the Title VI/Nondiscrimination Program Process Reviews portion of the Annual G&A Report.

## Complaint Procedures

### External Complaint Procedures for Federally Assisted Programs and Activities

External complaints alleging violations of Title VI involve a program or activity administered by WSDOT through LPAs, contractors, or other sub-recipients of USDOT financial assistance. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, including its DBE, EEO, and OJT Program components, and supplemental nondiscrimination statutes and regulations including the ADA.

Intimidation or retaliation is prohibited by Title 49, Code of Federal Regulations, Part 21.11 (e). The procedures do not deny the right of a complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Per 49 C.F.R. § 21.11 (d) (1), WSDOT will make every effort to obtain early resolution of a complaint at the lowest level possible. Where appropriate, WSDOT will seek guidance from the USDOT modality with jurisdiction over the matter.

Investigators will make every effort to pursue a resolution of a complaint. To that end, investigators may exercise the option of informal mediation meeting(s) between the affected parties, at any stage of the process. Initial interviews with the complainant and the respondent will inform the investigator with opportunities for redress or settlement.

# WSDOT

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WSDOT will not investigate complaints that name WSDOT as a respondent. With respect to these matters, WSDOT will refer the complaint to the USDOT modality with the appropriate authority and jurisdiction over the program or activity referenced in the complaint.

**Complaint Procedures - See [Appendix 7 - Procedures for External Complaint Processing](#)**

## Public Dissemination of Title VI Information

### Printed Material

WSDOT includes an abbreviated Non-discrimination Policy Statement on various outreach materials, including the “Reaching out to our Communities: Environmental Justice at the Washington State Department of Transportation” flyer, WSDOT reports, folios, brochures, posters and other materials printed for public distribution. WSDOT’s manuals are available online at: <https://wsdot.wa.gov/engineering-standards/all-manuals-and-standards/manuals>.

Internal guidance on use of Title VI language in publications is included in WSDOT’s Communication Manual and on the intranet Graphics Communications webpage.

WSDOT has updated its Title VI brochure. It is available on the website at <https://wsdot.wa.gov/about/title-vi-limited-english-proficiency> and at WSDOT offices. See Appendix 6. The Title VI brochure is placed in public areas at all WSDOT facilities.

### Websites and Links

The Accessibility/Title VI link is embedded in WSDOT’s website templates, and the link appears in the footer on every webpage. Related information such as Title VI policy and that pertaining to the OECR are displayed in the left navigation panel.

WSDOT’s web standards, provided in the Communications Manual, include guidance on accessibility, adding alternative text to images and graphics, etc. It is available on WSDOT’s external website at:

<https://www.wsdot.wa.gov/publications/manuals/fulltext/M3030/Communications.pdf>. WSDOT’s LEP plan has been updated. It is accessible online at <https://wsdot.wa.gov/sites/default/files/2021-12/OECR-WSDOT-LEP-Access-Plan2.pdf>.

## Review of State Transportation Agency Directives

WSDOT incorporates Title VI policy and mission statements into its procedures and manuals. Additionally, by conducting Title VI/Nondiscrimination Program Process Reviews, OECR’s Title VI program ensures that Title VI requirements are included in program area directives and that Title VI/Nondiscrimination statements are included in contracting, procurement, and other transmissions.

OECR will continue to encourage divisions and regions to work with OECR in reviewing any public communication and outreach materials. The Title VI Coordinator, as part of the agency’s review team, checks all procedure and manual revisions for compliance with Title VI. These include materials such as the Highway System Plan, WSF 2040 Log Range Plan, and program brochures and flyers.

Title VI/Nondiscrimination clauses from the USDOT Standard Title VI Assurances are included in all contracts as mandated by Title VI of the Civil Rights Act of 1964, including language contained in Appendices A through E.

## Compliance and Enforcement Procedures

This section outlines Title VI Program compliance and enforcement procedures to eliminate and address discrimination, and resolve deficiencies when noncompliance occurs.

### Process to Identify/Eliminate Discrimination

WSDOT will actively pursue the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further the ability to identify and eliminate patterns of discrimination, OECR will ensure that staff, sub-recipients and beneficiaries are educated and informed regarding Title VI roles and responsibilities. Currently, work is underway to hold regular meetings with WSDOT Title VI liaisons and create training webinars related to Title VI compliance.

To ensure compliance and enforcement procedures, OECR:

- Conducts compliance reviews.
- Provides technical assistance in the implementation of the Title VI program.
- Implements corrective action to correct deficiencies.

Deficiencies found through a compliance review are in written form. Efforts to secure voluntary compliance are undertaken in every noncompliance situation and are pursued through each enforcement action. OECR provides technical assistance and guidance to remedy instances of noncompliance and to ensure effective Title VI implementation and enforcement. Failure or refusal to comply with Title VI requirements may result in OECR initiating available administrative remedies.

OECR is currently in the process of conducting its internal review of WSDOT's Real Estate Services Office, as well as completing its review of WSDOT's Communications Division. OECR plans on making internal reviews part of its standard operating procedures and will eventually review all WSDOT regions and divisions.

### Process to Resolve Deficiencies Identified By FHWA

Compliance with Title VI requires the Washington State Department of Transportation (WSDOT) to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by FHWA. WSDOT's OECR will lead efforts to correct any deficiencies found by FHWA within a reasonable period of time not to exceed 90 days. WSDOT will make every effort to sustain a Title VI program in compliance with USDOT's Standard Title VI Assurances, including Appendices A-E.

## Limited English Proficiency (LEP)



An LEP individual is a person who does not speak English as his or her primary language and who has a limited ability to speak, read, write, or understand English. An LEP customer may also be an individual with a disability, who due to the disability has a limited ability to communicate in English.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on national origin. This type of discrimination may be manifested by an agency's failure to provide meaningful access to individuals who have LEP. Executive Order 13166 (E.O. 13166) - Improving Access to Services for Persons with Limited English Proficiency - supplements an existing obligation under Title VI.

E.O.13166 requires federal agencies to examine the services they provide, identify any need for services to LEP customers, and develop and implement a system to provide those services so LEP persons can enjoy meaningful access. USDOT obligations extend to all USDOT funding recipients. All WSDOT division and project directors, and Title VI program liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions or projects.

## WSDOT Language Access Plan (LAP)

WSDOT OECR is responsible for the administration, compliance, monitoring and oversight of the LAP. WSDOT's LAP is available on the website at the following link: [Language Access Plan](#).

WSDOT's LAP is designed to guide WSDOT's divisions, program areas and regional offices in acquiring translation, interpretation, and outreach services for LEP individuals seeking access to WSDOT programs. All directors, managers and Title VI program liaisons are responsible for ensuring that LEP individuals have meaningful access to services provided in their respective regions, divisions, and offices.

OECR Title VI program staff are apprised of LEP guidance needs through regular communications with Title VI liaisons and through the annual Program Area Review questionnaire found in the Annual G&A Report. Monitoring and direct evaluation of methods for language service needs are activities left to each respective division or project. Conclusions from these communications are reported to FHWA through the Annual G&A Report.

### LEP Data Collection

WSDOT program areas regularly capture data elements or sets when implementing and/or maintaining activities, encounters, events, programs, projects, or services provided by WSDOT. Data collection includes, at a minimum:

- Primary non-English language of the population in the project impact or service area(s).
- Primary non-English language of customers served (e.g. number of drivers affected).
- Number of LEP individuals, by language group, who requested or received spoken language services.

Data collected by region or program area is submitted annually to OECR (reporting period based on FFY October 1 to September 30). OECR, through the Annual G&A report, gauges the

effectiveness of the implementation policies contained in the LAP and highlights WSDOT's best practices. When assessing specific LEP policies and procedures, OECR staff look to see whether regional or program staff are receiving LEP training and whether their activities demonstrate an overall adherence to the LAP.

### Implementation of the Four Factor Analysis

As a recipient of federal funding, WSDOT must take reasonable steps to ensure LEP individuals have meaningful access to the information, programs, and services it provides. In determining reasonable steps, four factors are considered:

1. The number and proportion of LEP individuals in the eligible service area,
2. The frequency with which LEP individuals come in contact with the program,
3. The importance of the service(s) provided by the program, and
4. The resources available to the WSDOT.

USDOT Policy Guidance gives recipients substantial flexibility in determining what language assistance is appropriate based on the four factors listed above.

For more information on the Four Factor Analysis, OECR has provided and posted a flyer for WSDOT's [internal procedures for translation services](#) on OECR's [Title VI webpage](#), as well as post links to FHWA's Four Factor webpage and additional training materials to OECR's [Title VI and EJ SharePoint site](#). Additionally, OECR will continue to work with and provide bi-monthly training to Title VI liaisons to ensure they have sufficient resources and training to inform and direct their staff to conduct the Four Factor analysis when needed.

Further clarification is provided below for performing a self-assessment using the Four Factor Analysis:

1. **Demographics** - The decision to provide language assistance services should include an assessment of the number or proportion of LEP individuals from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of LEP individuals served or encountered, the more likely language services are needed. Generally, identifying any community where the LEP population is greater than five percent of the total or more than 1,000 LEP individuals automatically triggers providing language assistance services as a mandatory and an integral part of program operations.
2. **Frequency of LEP Contact** - WSDOT regions and program areas shall take into consideration how often various language groups come in to contact with a LEP customer. The greater the contact frequency, the greater the need for enhanced language services. For example, frequent contact with Spanish-speaking individuals who are LEP may require bilingual Spanish-speaking staff. Less frequent contact with other language groups may suggest a different approach. For programs where public outreach or public involvement is central to the mission, staff should consider targeted outreach to LEP individuals in order to increase the frequency of contact with these groups.
3. **Nature and Importance of the Services Provided** - Beyond looking at demography and frequency of contact, a consideration of the nature and importance of programs, activities, and services that directly affect that population is required. As a rule, the more important the activity, information, service, or program, or the greater the possible consequences of the

contact to the LEP individual, the more likely language services should be provided. Procedures must mitigate or correct the denial or delay of access to vital services, benefits, or information to LEP customers. Regular analysis and review of documents is important in determining language access.

Programs should consider what documents could be considered “vital” to access program services or benefits. Examples of vital documents may include:

- Documents critical for accessing services or benefits
- Letters requiring a response from a customer
- Documents informing customers of free language assistance
- Documents of legal significance (e.g. notification of rights)

4. **Available Resources** - At a minimum, WSDOT will identify the resources available to ensure that language assistance to LEP individuals will be provided to ensure equal access. The demographics frequency and importance of contacts will dictate the level of language services provided. Some language services can be provided at little or no cost, such as using community volunteers or bilingual staff as interpreters. Each program area should carefully consider the most cost-effective methods of delivering language access services.

## Environmental Justice (EJ)

Title VI of the Civil Rights Act, Executive Order (E.O.) 12898, and subsequent US Department of Transportation (USDOT) and Federal Highway Administration (FHWA) guidance mandate WSDOT to address Environmental Justice (EJ) in minority populations and low-income populations for transportation programs that receive federal assistance. Protected minority and low-income populations as: Black, Hispanic, Asian, American Indian, Alaskan Native, Native Hawaiian or Pacific Islander, or people with median household income at or below the poverty level as defined by the US Department of Health and Human Services.

WSDOT shall make environmental justice part of its mission and develop strategies to identify and address, as appropriate, disproportionately high, and adverse human health or environmental effects of its programs, policies, and activities on these populations.

Strategies to address disproportionately high and adverse human health or environmental effects of WSDOT’s activities or programs should include, but not be limited to:

1. Avoiding, minimizing, or mitigating disproportionately high and adverse human health, social, economic, and environmental effects on minority populations and low-income populations;
2. Ensuring full and fair participation in the decision-making process by all potentially affected communities in the transportation process; and
3. Providing full and prompt benefits, by preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Addressing the contextual needs of protected populations is specified in WSDOT’s [Community Engagement Plan](#).

### Healthy Environmental for All Act (HEAL)

Environmental Justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

WSDOT has embodied the HEAL Act as it continues to push for Environmental Justice throughout the various divisions. Title VI, Limited English Proficiency and Environmental Justice are now joined into a required training to help current and future staff understand and incorporate EJ principles and practices into their everyday work. OECR staff are involved with the Interagency Workgroup, Community Engagement subcommittee (CES) and the Listening Session subcommittee. In the CES, OECR staff co-lead the seven mandated state agencies to create statewide best practices, EJ principles and various ways to connect with Persons of Color and low-income communities.

WSDOT continues to conduct community listening sessions with identified communities of color and low-income communities. These listening sessions range from feedback on best practices to communicate to the expansion of State Route 167.

OECR created a framework utilizing information from the Health Disparities map designed by the Washington State Department of Health and the EJScreen from the U.S. Census of all six regions in Washington State. This framework helps identify the most vulnerable populations by race, age, income levels and any disabilities. The framework is in constant update for use in future Environmental Justice community engagement. OECR also created a comprehensive database of Community Based Organizations (CBOs) across the six regions to assist in connecting with people of color and low-income communities.

### Data Collection

WSDOT uses EJScreen, a tool developed by the Environmental Protection Agency (EPA) to identify EJ populations. The tool uses data from the US Census Bureau and the American Community Survey to calculate demographic data through GIS. WSDOT provides complete instructions and a customized tutorial on how to use the EJScreen tool on WSDOT's EJ webpage ([How to use EJ Screen \(wa.gov\)](#)).

The preferred secondary data source is school demographic data from the Office of Superintendent of Public Instruction (OSPI) website. Project-specific maps are included in project documentation, and project teams use this data in public participation plans for EJ and LEP considerations. In addition, the OECR, in a collaborative effort with other divisions from WSDOT to improve the process of identifying EJ protected populations and disproportionately health/environmental disparities, is considering the use of other tools for EJ analysis in the future,

including [The Washington Environmental Health Disparities Map](#), an interactive mapping tool that compares communities across the state for environmental health disparities. It is OECR's intention to build a stronger relationship with regions, project engineering offices and WSDOT's planning division to buffer environmental health impacts on EJ protected communities.

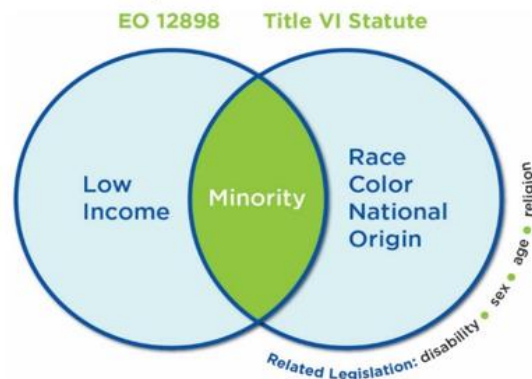
Specific efforts to ensure the effective implementation of EJ requirements are included in WSDOT's Annual G&A report (FFY 2022). More information on the EJ analysis process can be found on WSDOT's [Environmental Justice & Title VI webpage](#).

### EJ and Title VI Comparison

EJ and Title VI are both rooted in the same basic principle that no person should bear an unfair treatment on account of their race, color, or national origin. Additional similarities between EJ and Title VI include:

- 1) EJ is a component of Title VI.
- 2) Title VI & EJ protect minorities
- 3) Title VI and EJ apply to all planning and project development policies and activities in transportation.
- 4) Under Title VI and EJ, agencies must:
  - a) Translate crucial public documents and ensure they are accessible to the public.
  - b) Ensuring meaningful public participation in transportation decision-making.
  - c) Prevent, minimize, mitigate, or correct high and adverse impacts from transportation activities.

Figure 1: Relationship between Title VI and Environmental Justice



Source: Federal Highway Administration (FHWA)

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### Appendix 1 – Nondiscrimination Statement

The Washington State Department of Transportation (WSDOT), in compliance with Title VI of the Civil Rights Act of 1964, assures that no person 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 of its programs or activities, whether federally funded or not. WSDOT further assures compliance with related Nondiscrimination statutes that prohibit discrimination based on sex, age, and disability in all of its programs and activities, whether federally funded or not.

In the event WSDOT distributes federal funds to another governmental entity, WSDOT will include Title VI language in all written agreements and will monitor these entities to ensure their compliance with Title VI requirements. Title VI's prohibition of discrimination on the basis of national origin have been extended to include discrimination based on Limited English Proficiency (LEP), and WSDOT will take reasonable steps to provide LEP individuals with meaningful access to their programs and services, that generally involve some combination of services for oral interpretation and written translation of vital documents.

WSDOT's Office of Equity and Civil Rights (OECR) is responsible for initiating and monitoring Title VI activities, preparing required reports, and enforcing other state transportation agency responsibilities required by 23 Code of Federal Regulations (CFR) Part 200, 49 CFR Part 303, and 49 CFR. Part 21.

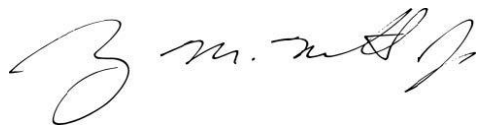
The Secretary has signed the DOT Standard Title VI Assurances with Appendices A-E. The signed Assurances are included as Appendix 1 to this document, followed by Appendices A-E. The Assurances with Appendices A-E are incorporated herein by reference.

WSDOT's Title VI Program Coordinator may be contacted as follows:

#### Contact Information

Jackie Bayne  
Title VI Program Coordinator  
310 Maple Park Avenue SE  
P.O. Box 47314  
Olympia, WA 98504-7314  
(360) 705-7084  
TitleVI@wsdot.wa.gov  
Fax 360-705-6801  
Washington State Relay at 711

All WSDOT personnel will assist WSDOT's Title VI Program Coordinator in the effective implementation of the Title VI Program.



September 24, 2020

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**Roger Millar, PE, FASCE, FAICP**  
Secretary of Transportation

**Date**

## Appendix 2 – DOT Order 1050.2A (Standard Title VI Assurances)

**Microsoft Word Version of Standard Title VI / Nondiscrimination Assurances  
From USDOT Order No. 1050.2A**

This document is distributed by the Federal Highway Administration (FHWA) Headquarters Office of Civil Rights for the sole purpose of providing assistance to FHWA Divisions and Recipients in implementing the FHWA Title VI Program. Recipients are encouraged to use this document according to the instructions below, only:

1. Recipients **may replace the text in the bold font parentheses**, as instructed, to tailor the Assurances for the entity.
2. Recipients **may not alter the language** in any part of this document outside of the parentheses and **may not insert additional language** into this document.
3. Minor formatting changes **that do not alter the text** are permitted.

If you have any questions, please contact the appropriate FHWA Division Office for assistance.

Last Updated: 12/16/15



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

**DOT Order No. 1050.2A**

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

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

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

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

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

**Specific Assurances**

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *FHWA Programs* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The *Washington State Department of Transportation*, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:


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

By signing this ASSURANCE, *Washington State Department of Transportation* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *FHWA's* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *FHWA*. You must keep records, reports, and submit the material for review upon request to *FHWA*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

Washington State Department of Transportation  
Roger Millar, Secretary of Transportation

\_\_\_\_\_  
(Name of Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

DATED September 15, 2022

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration (FHWA)*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin 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, 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, or national origin.
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 *FHWA* 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 *FHWA*, 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 *FHWA* may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or

the *FHWA* 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 B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Washington State Department of Transportation* will accept title to the lands and maintain the project constructed thereon in accordance 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)*, the Regulations for the Administration of *Federal Highway Administration (FHWA) Program*, and the policies and procedures prescribed by the *FHWA* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 *Washington State Department of Transportation* all the right, title and interest of the U.S. 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 *Washington State Department of Transportation* 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 *Washington State Department of Transportation*, its successors and assigns.

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

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

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

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

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



## APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by *Washington State Department of Transportation* 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, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, *Washington State Department of Transportation* 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, *Washington State Department of Transportation* will there upon revert to and vest in and become the absolute property of *Washington State Department of Transportation* and its assigns.\*

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

### APPENDIX E

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

#### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## Appendix 3 – Secretary's Executive Order E 1087.00

Washington State Department of Transportation

**Secretary's Executive Order  
Number: E 1087.00**

*[signature on file]*  
Roger Millar  
Secretary of Transportation

October 1, 2019

### Title VI Policy

#### I. Introduction

##### A. Purpose

This Secretary's Executive Order sets forth the Washington State Department of Transportation's (WSDOT's) policy of compliance with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. I 00.259).

##### B. Background

Executive Order 12898 on Environmental Justice (EJ) requires WSDOT to adhere to the provisions of Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969 in order to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects on minority populations and low-income populations.

Executive Order 13166 on Limited English Proficiency (LEP) is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of federal financial assistance from discrimination based on national origin by failing to provide meaningful access to services to individuals who are limited in English proficiency.

#### II. Secretary's Executive Order

No person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any WSDOT program or activity. WSDOT will make every effort to prevent discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event WSDOT distributes federal aid funds to another governmental entity, WSDOT will include Title VI language in all written agreements and will monitor for compliance.

#### III. Information to Carry Out This Secretary's Executive Order

WSDOT's Office of Equity and Civil Rights is responsible for initiating and monitoring Title VI, EJ, and LEP compliance activities, preparing required reports, and other WSDOT

responsibilities as required by Title 23 Code of Federal Regulations (C.F.R.) Part 200 and Title 49 C.F.R. Part 21.

#### **IV. Contact for More Information**

For questions or concerns about this Secretary's Executive Order, contact the Office of Equity and Civil Rights by phone at 360-705-7090, or visit the Office of Equity and Civil Rights web page.

#### **V. References**

- Title VI of the Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987 (P.L. I 00.259)
- National Environmental Policy Act of 1969
- Title 23 C.F.R. Part 200 Title VI Program and Related Statutes- Implementation and Review Procedures
- Title 49 C.F.R. Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964
- Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency
- WSDOT Office of Equity and Civil Rights web page

#### **VI. Review and Update Requirements**

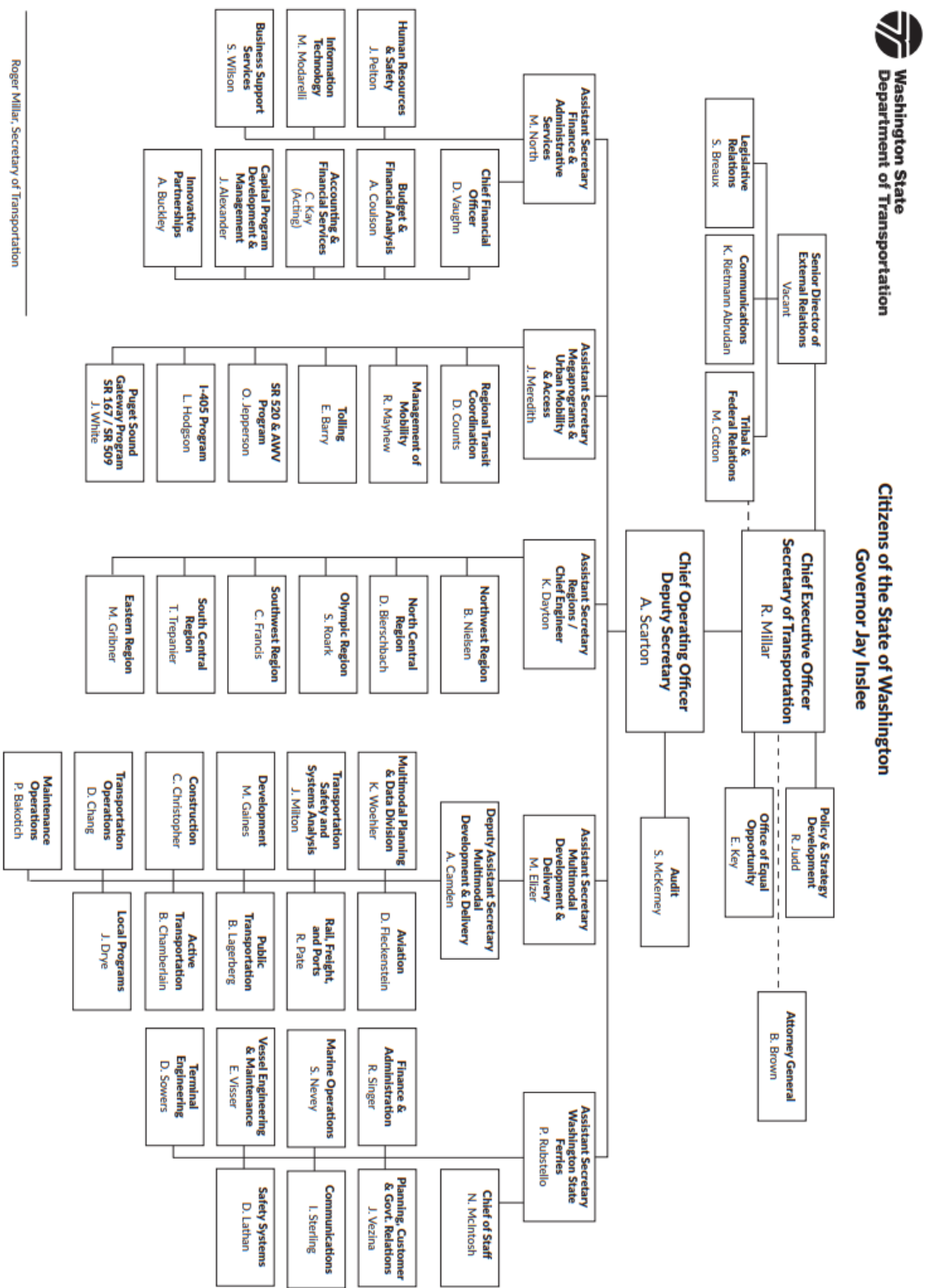
When changes are necessary to update this document, inform the Director of the Office of Equity and Civil Rights. The Director of the Office of Equity and Civil Rights reviews this document periodically and proposes updates to the Secretary of Transportation for approval.

### **Americans with Disabilities Act (ADA) Information**

This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Compliance Team at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.



## Appendix 5 – WSDOT Organizational Chart



Roger Millar, Secretary of Transportation  
August 30, 2022  
Date

## Appendix 6 – Title VI Program Brochure

### HOW CAN I FILE A DISCRIMINATION COMPLAINT?

Any person or specific group who believes they have been discriminated against based on race, color, national origin, sex, age, or disability may file a complaint with WSDOT OEO. Under Title VI, 'person' means citizens, noncitizens, visitors, exchange students, etc. A complaint must be filed with WSDOT OEO within 180 days of the alleged discriminatory act.

For information on how to file a complaint, contact OEO by any of the following methods:

- Attn: Complaint Investigations
- Office of Equal Opportunity
- Washington State Department of Transportation
- PO Box 47314
- Olympia, WA 985047314
- Phone: 360-705-7090
- Fax: 360-705-6018
- Email: [oeoecbcomplaints@wsdot.wa.gov](mailto:oeoecbcomplaints@wsdot.wa.gov)

### WHAT HAPPENS NEXT?

Once a complaint is filed, it will be logged by WSDOT OEO. WSDOT forwards the complaint to Federal Highway Administration for processing. Retaliation is prohibited and will not be tolerated against any person who reports alleged discrimination, harassment or policy violations or participates as a witness in an investigation.

### Additional Title VI Information

- <https://www.wsdot.wa.gov/EqualOpportunity/default.htm>
- <https://www.lep.gov/>
- [www.fhwa.dot.gov/environmental/environmental\\_justice/](http://www.fhwa.dot.gov/environmental/environmental_justice/)
- Applicable federal regulations
- 42USC 2000d – Civil Rights Act
- 23 USC 324 – Gender
- 42 USC 6101-6107 – Age
- 29 USC 701 et seq - ADA
- Executive Order #13166 – LEP
- Executive Order #12898 - EJ



Answers with Disabilities Act (ADA) information. This material can be made available in an alternate format by emailing the Office of Equal Opportunity at [wscdot.oao@wsdot.wa.gov](mailto:wscdot.oao@wsdot.wa.gov) or by calling toll free, 855-565-4ADAPT23. Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Title VI Statement to Public: It is the Washington State Department of Transportation's (WSDOT) policy to assure 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, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedure and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinator at (360) 705-7090.

19-08-0375



## TITLE VI PROGRAM

### OFFICE OF EQUAL OPPORTUNITY

#### MISSION

The Washington State Department of Transportation (WSDOT) is responsible for safe and efficient transportation of people and goods by roadway, rail, water, and air. WSDOT also partners with others to maintain and improve local roads, railroads and airports, as well as public transportation, bicycles and pedestrian programs. WSDOT works to assist Washington's transportation needs regardless of the user's race, color, national origin, sex, age, disability, socioeconomic status, and limited English Proficiency. WSDOT enforces all components of Title VI of the Civil Rights Act of 1964 and related non-discrimination rules across all manners of transportation where WSDOT is involved, from planning to construction, on through maintaining these systems.

#### WHAT IS TITLE VI?

The Civil Rights Act of 1964 states: "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 U.S.C. Sec 2000d)

Title VI along with other non-discrimination statutes prohibits discrimination based on race, color, sex, age, disability, national origin, income status, and limited English proficiency in any program or service receiving Federal aid.

### ENVIRONMENTAL JUSTICE

As a recipient of federal funds, WSDOT is required to comply with a Federal Executive Order on environmental justice. A major part is to include minority and low-income populations as voices in the agency's decision-making throughout the life of our projects and services.

There are three core principles:

- To avoid, minimize, or mitigate negative human health or environmental effects.
- To have full and fair participation of all individuals and communities in the transportation decision-making process.
- To prevent the discrimination of minority and low-income populations in their access to our programs/services.

### LIMITED ENGLISH PROFICIENCY (LEP)

Individuals who do not speak English as their main language and have a limited ability to read, speak, write, or understand English can be limited English proficient, or LEP. These individuals may be entitled to language assistance about our programs, services, and activities as directed since 2000 in Executive Order 13166.

This Executive Order prohibits recipients of federal funds from discriminating by failing

to provide meaningful access to services to non-English speaking individuals. The Executive Order means WSDOT may be required to share information in a language other than English.

### WHAT DOES THIS MEAN?

The primary goal of WSDOT's Title VI

Program is to educate all WSDOT employees, contractors, local governments, and service beneficiaries of Title VI requirements and the responsibilities and monitor them for compliance.

WSDOT's Title VI Program is responsible for researching the potential social impact of projects and services on communities and people and evaluating that research throughout the planning and decision-making process.

WSDOT prohibits all discriminatory practices, which may result in:

Denial any service, financial aid, or benefit provided under the program to which and individual may be entitled.

Different standards or requirements for participation.

Segregation or separate treatment in any part of the program.

Distinctions in quality, quantity, or manner in which the benefits is provided.

- Discrimination in any activities conducted in a facility built in whole or part with federal funds.

To ensure compliance with Title VI, and related non-discrimination authorities, WSDOT will:

- Educate the public of their Title VI rights
- Collect and analyze data to avoid or reduce harmful effects on minority and low-income populations.

- Encourage the full and fair participation by all including low-income and minority communities in the decision-making process.

- Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

- Provide language services to LEP individuals to inform them about WSDOT's programs, services and activities.

When WSDOT distributes federal funds to a partner or business including, but not limited to towns, cities, counties, planning organization, contractor, supplier, or other party, they must also administer programs and activities without regard to race, color, national origin, sex, age, disability, LEP, or socio-economic status.

### WHO BEARS RESPONSIBILITY TO COMPLY WITH TITLE VI?

All parties accepting federal funds are responsible. As a recipient of federal funds, the entire WSDOT organization must comply with all of Title VI, as well as any sub-recipients of those federal funds. By accepting federal aid, the entire agency must comply – every function of the agency – not just the part using the federal funds.



## Appendix 7 – Procedures for External Complaint Processing

### I. Procedures for External Complaint Processing under Title VI, ADA, and related nondiscrimination statutes

#### A. Applicability

1. Any person, or class of persons, believing they have been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 (Title VI), the Americans with Disabilities Act (ADA), the Washington Law Against Discrimination (WLAD; Chapter 49.60 RCW), and related nondiscrimination statutes that prohibit discrimination based on race, creed, color, national origin, familial or marital status, sex, sexual orientation, age, military status, or disability, in any program or activity administered by the Washington State Department of Transportation (WSDOT), may file a complaint with WSDOT.
2. These procedures also cover complaints of discrimination in any program or activity administered by WSDOT that relates to local agencies, contractors and other sub-recipients receiving U.S. Department of Transportation (USDOT) funding through the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or the Federal Aviation Administration (FAA).
3. As of August 2018, the FHWA has provided new mandatory guidance for Title VI complaint processing. See *Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964*; specifically, Question 2e, *How are complaints routed?*, which can be found on the FHWA Office of Civil Rights (HCR) website at the following link:  
[https://www.fhwa.dot.gov/civilrights/programs/title\\_vi/titleviqa.cfm#Toc522787058](https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm#Toc522787058).  
Pursuant to the new guidance, ALL Title VI complaints under FHWA jurisdiction, including complaints filed against sub-recipients, must now be forwarded to the FHWA **before** WSDOT takes any action on the complaint. See Section I.C. below for new mandatory FHWA routing instructions.
4. These procedures are administrative in nature and do not provide for punitive or compensatory damages as remedies.
5. These procedures do not prohibit a Complainant from filing a formal complaint alleging discrimination with other state, local, or federal agencies, nor do they prohibit a Complainant from retaining private counsel.
6. Retaliation for filing a complaint alleging discrimination is prohibited under 49 C.F.R. § 21.11(e).
7. Complaints filed under Title VI with WSDOT in which WSDOT is the named Respondent must always be forwarded to the USDOT modality having jurisdiction (FHWA, FTA, or FAA) for investigation.

#### B. Informal Complaint Resolution. **[NOT APPLICABLE to Title VI Complaints under FHWA jurisdiction]**

1. WSDOT will make every effort to resolve complaints promptly and at the lowest level possible.

2. Informal mediation may be used to resolve complaints at any stage of the process.
3. If a complaint cannot be resolved informally, WSDOT may conduct an investigation of the complaint.

### **C. FHWA ONLY - Special Instructions for routing Title VI Complaints under FHWA jurisdiction.**

1. FHWA is responsible for all decisions regarding whether a complaint under FHWA jurisdiction should be accepted, dismissed, or referred to another agency.
2. WSDOT must log all Title VI complaints on receipt (see [Section II.B.](#) below for detailed instructions on complaint intake).
3. After logging the complaint, WSDOT must immediately forward all Title VI complaints under FHWA jurisdiction to:

FHWA Washington Division  
c/o Civil Rights Program Manager  
711 S. Capitol Way, Suite 501  
Olympia, WA 98501-1284  
(360) 534-9325

[Washington.FHWA@dot.gov](mailto:Washington.FHWA@dot.gov)

[Autumn.young@dot.gov](mailto:Autumn.young@dot.gov)

4. FHWA's Washington Division Office will then forward the complaint to:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
(202) 366-0693

for determination whether the complaint should be accepted, dismissed, or referred to another agency.

5. Once the USDOT Office of Civil Rights (HRC) has decided whether to accept, dismiss, or transfer the complaint, HRC will notify the Complainant, the FHWA Division Office, WSDOT, and the sub-recipient (where applicable).
6. **ONLY AFTER** WSDOT has been instructed to do so by HRC should WSDOT begin investigation of a Title VI complaint under FHWA jurisdiction.

## **II. Investigations<sup>1</sup> [Our office may not begin an investigation of a Title VI complaint under FHWA jurisdiction until instructed to do so by FHWA]**

- A.** Each step of the investigation process, and the basis on which the case was resolved or closed, must be thoroughly documented.

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<sup>1</sup> For economy of language, "USDOT" will be used throughout the Investigations' section of these procedures to mean the "USDOT modality having jurisdiction (FHWA, FTA, or FAA) over the program or activity."

**B.** OECR managers or the investigator should advise the Data and Reporting Specialist at case “milestones” (sent to FHWA, assigned to an investigator, on-site visit scheduled, etc.) and may ask the Data and Reporting Specialist to add comments to the comments section of the complaint log at any time.

### **C. Complaint Intake**

1. Communications alleging discrimination may be received by mail, FedEx, hand delivery, fax, email, telephone, or other means.
2. The original communication should be retained in native format (i.e., as it is received), along with proof of the delivery method. If hard copy documents are received, the documents should be date stamped on the date received, then scanned and saved electronically.
  - a. If received by mail – retain envelope. Save a copy of the envelope electronically along with the documents. Also save a copy of the WSDOT Office of Equity and Civil Rights (OECR)-endorsed, return receipt cards, if return receipt is requested.
  - b. If received by FedEx or other express mail service, retain a copy of the delivery confirmation or record of delivery, and save a copy electronically along with the documents.
  - c. If delivered in person – record the name of the person making the delivery, and the delivery date and time. This record of delivery should be initialed by the courier, if possible, and saved electronically along with the documents.
  - d. If received by fax – retain the fax cover sheet indicating transmission date and number of pages received and save it electronically along with the documents.
3. If the documents are received by email, the initial communication (e.g., cover email) should be saved in native format.
  - a. The initial communication, including all attachments, should also be printed out and date stamped.
  - b. If the communication concerns an EEO or DBE issue, the person receiving the communication may suggest that the complainant also complete an on-line complaint form obtainable at: <http://www.wsdot.wa.gov/EqualOpportunity/complaints.htm>, though it must be made clear that the complainant is not required to do so.
4. If the communication alleging discrimination is received telephonically, the person receiving the call should type on a complaint intake form as much information about the alleged discrimination as possible, including:
  - a. The correspondent’s full name and contact information (telephone number, email address, mailing address);
  - b. The name of the Respondent (person or entity alleged to have discriminated; called “recipient” in some USDOT documents);

- c. A description of the allegations;
  - d. Location (city/county) where the alleged discrimination occurred;
  - e. Date(s) the alleged discrimination occurred;
  - f. The date and time the communication is received; and
  - g. The person receiving the communication.
  - h. If the person receiving the communication was unable to type this information on a complaint intake form when the call was received, they should transcribe the information onto a form as soon as possible after the call is completed.
5. The person who receives a communication alleging discrimination should immediately forward the communication, or recorded information about the communication (if received by telephone or in person), to the Data and Reporting Specialist responsible for logging the communication. The Data and Reporting Specialist will assign a distinct, identifying case number to the communication and record relevant information about the communication in OECR's complaint tracking system (currently in SharePoint).
  6. **FHWA TITLE VI COMPLAINTS ONLY** - If the document indicates a Title VI Complaint under FHWA jurisdiction, the Data and Reporting Specialist should immediately forward the complaint to FHWA. For instructions how to route FHWA Title VI complaints, go to [Section I.C.](#) above.
  7. All Other Complaints - The Data and Reporting Specialist responsible for logging the communication will then immediately forward the communication to OECR management to identify whether the communication is a complaint, or whether the complaint is deficient, and to determine next steps.
  8. The Data and Reporting Specialist responsible for logging the communication must advise the correspondent who sent the communication as soon as possible in writing, but **no later than seventy-two (72) hours** after the receipt date, that their communication has been received and will be forwarded to FHWA [for Title VI Complaints under FHWA jurisdiction] or to management, for review. If the communication is received electronically and a read receipt is requested, the person receiving the communication should acknowledge receipt of the communication electronically.

**D. Determine whether the communication is a complaint. [The FHWA makes this determination for Title VI complaints under FHWA jurisdiction.]**

1. The following documents should not be considered complaints, unless the document is accompanied by a signed cover letter specifically asking WSDOT to take action concerning the allegations:
  - a. An anonymous complaint;
  - b. Inquiries seeking advice or information;
  - c. Courtesy copies of court pleadings;

- d. Courtesy copies of complaints addressed to other local, State, or Federal agencies;
  - e. Newspaper articles; or
  - f. Courtesy copies of internal grievances.
2. WSDOT may still wish to take action on any of the documents in the list above. However, these documents are technically not complaints.
3. Correspondence not initially considered to be a complaint but that nevertheless potentially involves a civil rights issue should be viewed as an inquiry necessitating further review.
4. On determining that the correspondence requires further review, the OECR Director or Deputy Director will assign an Investigator to follow up on the inquiry to determine whether the correspondence should be considered a complaint.
5. For correspondence viewed as an inquiry, the Investigator should call or write the person sending WSDOT the communication for clarification and further information, and to ask if the person wishes to file a formal complaint with WSDOT.
6. After obtaining clarification and further information from the correspondent, the Investigator should consult with the OECR Director or Deputy Director before making a final determination whether the communication should be viewed as a complaint.
7. If, after seeking clarification from the correspondent, the initial communication will not be investigated as a complaint, the correspondent should be notified in writing **within ten (10) days** of the communication's receipt date. The notification should indicate that the file will be closed; the reasons for closure; and that the correspondent is welcome to re-file the communication as a complaint.
8. **Keeping in mind the exceptions listed below, a complaint is a written or electronic statement concerning an allegation of discrimination that contains a request to take action.** Complaints should be in writing and signed and may be filed by mail; private express delivery (e.g. FedEx); fax; in person; or by email. (See #s 9-11 below re alternate formats and LEP considerations; and complaints received by telephone). A complaint should contain at least the following information:
  - a. A written explanation of what has happened;
  - b. A way to contact the Complainant;
  - c. The basis of the complaint, e.g. race, creed, color, national origin, familial or marital status, sex, sexual orientation, age, military status, or disability;
  - d. The identification of the Respondent, e.g. person, contractor, company, agency, division, office, or other entity alleged to have discriminated;

- e. Sufficient information to understand the facts that led the Complainant to believe that discrimination occurred; and
  - f. The date(s) of the alleged discriminatory act(s).
9. While the above indicates a complaint should be in writing and signed, WSDOT must accept complaints in alternate formats from persons with disabilities.
    - a. The complaint may be filed on a computer disk, by audio tape, or in Braille.
    - b. The Complainant may also call WSDOT and provide the allegations by telephone. The person receiving the call will transcribe the allegations of the complaint as provided over the telephone and send a written transcript of the complaint to the Complainant for review and signature.
  10. WSDOT must also ensure that persons with Limited English Proficiency (LEP) have meaningful access to the complaint process.
    - a. Complaints in languages other than English should be translated and responded to in the language in which they were sent whenever possible.
    - b. Throughout the complaint resolution process, the Investigator should be certain a LEP Complainant understands their rights and responsibilities, as well as the status of their complaint.
  11. A complaint number should be assigned to the complaint if not already assigned on initial intake (see section II.C.5. above).
  12. A separate complaint number should be assigned to each person alleging discrimination in the complaint. In addition, complaints from more than one person against the same recipient should generally be assigned separate case numbers to help WSDOT comply with the requirements of the Washington State Public Records Act (Chapter 42.56 RCW).
  13. In some cases, complaints from more than one person raising the same allegation(s) against the same Respondent may be combined into one complaint, although this should not be done if it becomes clear that the investigation will result in personally identifiable information (PII) about any of the Complainants being included in the case file. As soon as it becomes clear that the investigation will involve treatment of specific Complainants, separate complaint numbers should be assigned to protect the personal information of each Complainant.
  14. A person may file a third party complaint on behalf of another named individual(s).<sup>2</sup>
  15. The complaint should then be assigned to an Investigator. The Investigator should notify the Complainant(s) immediately, identifying themselves as the Investigator assigned to the case, providing their contact information, and indicating that the Investigator will review the file to determine what additional information may be required to proceed with the case.

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<sup>2</sup> A complaint filed by an attorney on behalf of a complainant is not a third party complaint.

16. The Investigator must review the complaint **within ten (10) calendar days** of receipt to determine what additional information is required to proceed with the investigation.

**E. The Investigator opens an Investigative Case File. [For Title VI complaints under FHWA jurisdiction, these steps should be followed only after the FHWA instructs our office to conduct an Investigation.]**

1. After being assigned the case, the Investigator will open an Investigative Case File to hold all documents received or generated in connection with the case.
2. The Investigator determines whether the complaint was timely filed, although for Title VI complaints under FHWA jurisdiction, FHWA will make this decision.
  - a. Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended (see 49 C.F.R. § 21.11(b) [Title VI] and 49 C.F.R. § 27.123(b) [ADA]).
  - b. If the Investigator believes the complaint is untimely, the Investigator should refer the complaint to the OECR Director or OECR Deputy Director for a final decision on closure of the complaint.
  - c. If it is ultimately determined that the complaint was not timely filed, the complaint may be closed without conducting an investigation. The Complainant may, however, request a waiver of the 180-day filing requirement.
  - d. The Complainant must be notified immediately that the complaint is being closed, and the reasons for closure.
3. The Investigator determines whether WSDOT has jurisdiction, although for Title VI complaints under FHWA jurisdiction, FHWA will make this decision.
  - a. Complaints filed under Title VI with WSDOT in which WSDOT is named as the Respondent should be forwarded to USDOT for investigation.
  - b. A referral letter should be sent to USDOT along with the complaint and other documents.
  - c. The Complainant must be notified immediately that the complaint has been referred to USDOT and that WSDOT has closed the complaint.
  - d. If it becomes clear that WSDOT lacks jurisdiction over a complaint, the complaint should be referred to the appropriate enforcement authority.
  - e. A “dismissal” letter, instead of the standard acknowledgment letter described above, should be sent to the Complainant **within ten (10) business days** of receiving the complaint informing the Complainant that the complaint has been received, that the allegations fall outside WSDOT’s jurisdiction and, where applicable, that the complaint has been referred to another agency.

4. The Investigator determines whether additional information is required.
  - a. FTA and FAA ONLY: If additional information is required, the Investigator should contact the Complainant **within ten (10) calendars days of receipt** of the complaint to request the additional information.
  - b. FHWA ONLY: If additional information is required, the Investigator should contact the Complainant within ten (10) calendar days of the referral from FHWA to request the additional information.
  - c. The Complainant will be given **fifteen (15) calendar days** to respond to the request for additional information.
  - d. FTA and FAA ONLY: If the complaint is complete and no additional information is needed, the Investigator will send the Complainant a letter of acceptance **within ten (10) calendar days** of receipt.
  - e. FHWA ONLY: If the complaint is complete and no additional information is needed, the Investigator will send the Complainant a letter indicating that WSDOT will be conducting an investigation within ten (10) calendar days of receiving the referral from FHWA.

### F. WSDOT Responsibilities

1. **FHWA ONLY:** Title VI complaints under FHWA jurisdiction filed directly with WSDOT against its sub-recipients should be logged by the Data and Reporting Specialist, and forwarded immediately to FHWA.
2. FTA and FAA: Title VI complaints filed directly with WSDOT against its sub-recipients should be processed by WSDOT in accordance with the USDOT approved complaint procedures as described in 23 C.F.R. § 200.9(b)(3).
3. Complaints filed with WSDOT under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the ADA should be investigated by WSDOT in accordance with approved complaint procedures as described in 49 C.F.R. § 27.13(b).
4. For Title VI complaints with FHWA jurisdiction, the OECR will make every effort to complete the investigation within thirty (30) days, but no longer than sixty (60) days, from the date the referral was received from FHWA.
5. For Title VI with FTA or FAA jurisdiction; complaints filed under Section 504, the ADA; or any other federal or Washington state non-discrimination statute, the OECR will make every effort to complete the investigation within thirty (30) days, but no longer than sixty (60) days, from the date the complaint was received by WSDOT.
6. Title VI complaints: Pursuant to 23 C.F.R. § 200.9(b)(3), a copy of the complaint, together with a copy of WSDOT's report of investigation, shall be forwarded to the USDOT division office within sixty (60) days of the date the complaint was received by WSDOT, or the referral was received from FHWA (for Title VI complaints under FHWA jurisdiction), for final determination.



**G. Investigative Process. [For Title VI complaints under FHWA jurisdiction, these steps should be followed only after the FHWA instructs our office to conduct an Investigation.]**

1. The Investigator should conduct an unbiased investigation. In addition, the Investigator should not express opinions or conclusions to the public, the Complainant, or the Respondent, concerning matters under investigation unless specifically authorized to do so.
2. Scope of the Investigation
  - a. An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
  - b. A future compliance review of the Respondent may be appropriate when issues identified during the investigation cannot be covered within the scope of the investigation.
  - c. After WSDOT has accepted a complaint for investigation, the Investigator should open an Investigative Case File if one has not been opened already (see Section II.D.1. above).
    - (1) The purpose of the Investigative Case File is to establish a methodology for the systematic compilation and storage of all documents, records, and information associated with the complaint. This is done in such a manner that the Case File:
      - (a) Includes and organizes all documentation generated or obtained relevant to the complaint;
      - (b) Identifies all documentation used to support the Findings made by the OECR; and
      - (c) Allows a reader of the Findings to easily verify the facts and reasoning on which the Findings are based.
    - (2) WSDOT is responsible for all Investigative Case Files regardless of whether the agency possesses the physical documents. WSDOT will provide copies of Investigative Case Files in accordance with RCW 42.56 (Washington State Public Records Act) and related federal statutes.
    - (3) Closed Investigative Case Files must be retained **for six (6) years from the date of closure**, after which they will be destroyed in accordance with WSDOT's customary document retention policy.
3. The Investigator should develop an Investigative Plan (IP).
  - a. The IP is a working document intended to define the issues and lay out the blueprint to complete an investigation.
  - b. The IP is an internal document for use by the investigator to keep the investigation on track and focused on the issues and likely sources of evidence or corroboration.

4. Request for information and cover letter.
  - a. The investigator should prepare a Request for Information (RFI) and make contact with the Respondent **within ten (10) days from the date the complaint was accepted for investigation** to advise the Respondent of the complaint and to determine the appropriate representatives of the Respondent to interview and receive the RFI.
  - b. A cover letter should be prepared and sent with the RFI explaining the complaint under investigation. The cover letter should include the Investigator's name, contact information, and information regarding any scheduled meetings.
  - c. The Respondent should be given **thirty (30) calendar days** from the date of WSDOT's RFI to provide WSDOT with the requested information and documents. WSDOT may modify the timeframe depending on the extent of the data requested or other special circumstances.
5. Interviews
  - a. Interviews should be conducted with the Complainant, Respondent, and appropriate witnesses during the investigative process.
  - b. A written record of both telephone and in-person interviews must be created and kept in the Investigative Case File.
6. Failure by the Respondent to provide access to information.
  - a. Respondents should provide investigative access to all books, records, accounts, electronic media, audiotapes, and other sources of information or facilities necessary to determine compliance.
  - b. Failure by a Respondent to cooperate fully can be grounds for a determination of noncompliance on the part of the Respondent.
7. On-Site Visits
  - a. **All ADA complaints involving the public right-of-way require an on-site review.**
  - b. On-site visits for Title VI complaints – where FHWA has jurisdiction, these steps should only be followed upon instruction by FHWA.
    - (1) After the Investigator has received and reviewed the documents requested in the RFI from the Respondent, a determination should be made as to whether an on-site visit is needed.
    - (2) A thorough investigation can often be conducted without an on-site visit to the Respondent's facility. If all the following conditions are present, an on-site visit is usually unnecessary:
      - (a) Individuals are not the primary source of information needed (e.g. interviews are unnecessary or can be done by telephone);
      - (b) All needed information can be specified precisely in the RFI and can be easily provided by the Respondent;

- (c) The Respondent can provide written documentation to verify its position in its response to the RFI; and
    - (d) There is good reason to conclude that the Complainant is the only person affected by the alleged discrimination.
  - (3) If the Investigator determines that an on-site visit is necessary, an on-site notification letter should be sent to the Respondent advising the Respondent of the planned visit.
  - (4) Upon completion of the on-site visit, but before returning to the home office, the Investigator should review the information and cross-check it with the IP and RFI to ensure that all needed information has been collected.
  - (5) Missing information should be gathered during an exit conference. The exit conference provides the Investigator with an opportunity to clarify any questions that may have arisen during the site visit, and to request any additional information.
- 8. Analyzing the evidence
  - a. The preponderance of evidence standard (evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it) is the standard used when determining compliance or violation.
  - b. The information and data collected depend upon the issues involved in the case. Properly collected and analyzed information is central to compliance investigations.
  - c. The importance of developing a thorough and complete IP of the information needed to determine compliance cannot be overemphasized.
  - d. Evidence standing alone does not prove a violation. It must be related to the policies and procedures of the Respondent and issues under investigation. To ensure the value of the collected and analyzed evidence, the Investigator should:
    - (1) Note when the document was received and from whom;
    - (2) Keep the original copy of the document clean and free from marks, tears, etc.;
    - (3) Photocopies of the documents should be made for mark up;
    - (4) Keep the documents received in a safe place so that they will not get lost or inadvertently removed by co-workers; and
    - (5) Document the circumstances under which the evidence was collected - Remember why the evidence was collected; what questions elicited the evidence; and whether any statistical techniques were applied to the evidence, and if so, what they were.

- e. When reviewing data, the Investigator should:
  - (1) Have a clear and thorough understanding of what the document says; seek clarification where needed; never read meanings into the evidence, but accept it at face value;
  - (2) Determine relevance; know what you are looking for; recognize the presence or absence of needed information;
  - (3) Verify the evidence – cross-check the evidence; identify conflicting information and resolve the conflict, if possible;
  - (4) Assemble the evidence – develop an information flow pattern; establish a logical continuity; and
  - (5) Draw conclusions – let the evidence speak for itself; test conclusions by considering possible rebuttal arguments from both Respondent and Complainant.

### 9. Exit Interview

- a. The exit interview is conducted separately for the Complainant and the Respondent. The exit interview provides an opportunity for the Investigator, as well as the Respondent and the Complainant, to clarify any questions that may have arisen during the investigation, and to provide any additional information.
- b. The Investigator should explain that this exit interview may not be an end to the investigation. The Investigator should also explain the process WSDOT will follow, if a violation is found.
- c. The Investigator may have already reached a conclusion as to whether the Respondent is in compliance or noncompliance with USDOT's requirements. Should this happen, it is important that the Investigator not communicate that opinion during the exit interview.

## H. Preparing the Investigative Report (IR)/Report of Investigation (ROI)

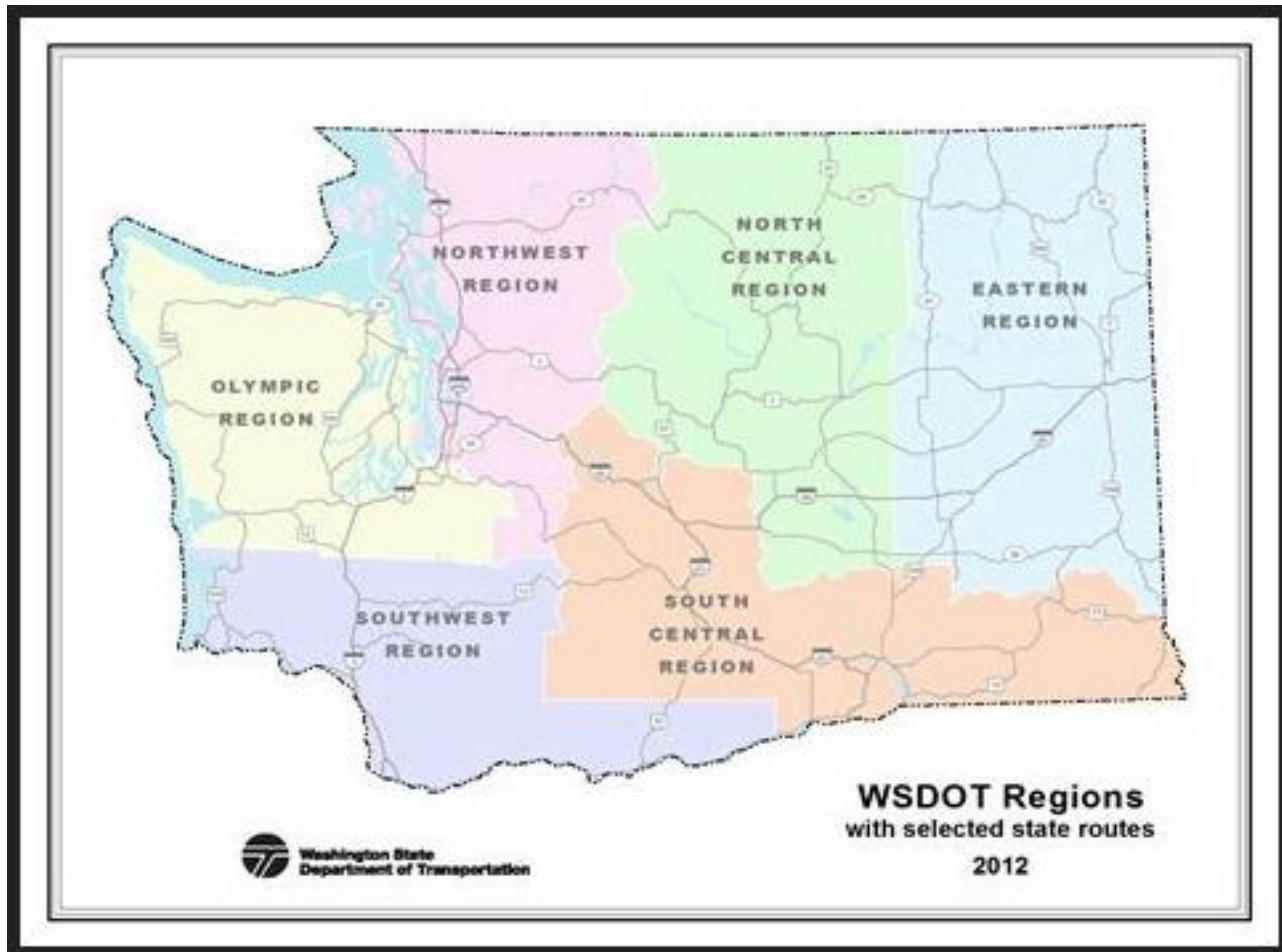
- 1. The Investigator should prepare an IR/ROI setting forth all the relevant facts obtained during the investigation. The IR/ROI should include a finding for each issue and recommendations where necessary. A copy of the IR/ROI should never be given to the Respondent or Complainant.
- 2. References should be used throughout the IR/ROI to direct the reader to the appropriate supporting documentation in the Investigative Case File. For large case files, it is suggested that the IR/ROI include a table of contents or index of documents and a key referencing by tab the evidence in the file relied upon in making any determination.
- 3. Upon review of the Investigator's IR/ROI, the OECR Director or Deputy Director may determine that additional evidence is necessary.

4. If the OECR Director or Deputy Director accepts the IR/ROI without any additional evidence, WSDOT will forward the IR/ROI and a copy of the Investigatory Case File to USDOT for review and final determination.
5. The OECR will notify Complainant and Respondent of WSDOT's findings, and indicate that the findings are subject to review and concurrence by USDOT.
6. Once USDOT has made its final decision and issued a Letter of Findings (LOF), WSDOT will notify Complainant and Respondent of USDOT's determination. The USDOT decision is final and not subject to administrative appeal.
7. If the Complainant or the Respondent is not satisfied with the USDOT's decision, the Complainant or Respondent may file an action in U.S. District Court.

### **III. Closing the file**

- A.** If the FHWA or OECR managers determine that the complaint will not be investigated, the managers will notify in writing the Data and Reporting Specialist responsible for logging the complaint.
  1. The Data and Reporting Specialist will prepare the appropriate documentation to close a case and mark the case as closed in SharePoint.
  2. The Data and Reporting Specialist will, where appropriate, inform the Complainant in writing that the case has been closed and why.
  3. If the case was closed because of deficiencies in the complaint, the Complainant should be informed that they are welcome to re-file the complaint if they can remedy the deficiencies.
- B.** Once all action on the case has been completed and USDOT has issued a final determination, the case may be closed.
  1. All documents relevant to the case, including the initial complaint documents, documents compiled during the investigation, and any final determination, should be forwarded to the Data and Reporting Specialist for archiving.
  2. The Data and Reporting Specialist should attach all documents electronically to the case file in SharePoint, and mark the case as closed on the SharePoint complaint tracking log.

## Appendix 8 – WSDOT Regions Map



**ORDINANCE NO. 656**

**AN ORDINANCE OF THE CITY OF NAPAVINE, WASHINGTON, DESIGNATING THE CHRONICLE AS THE OFFICIAL NEWSPAPER OF THE CITY FOR LEGAL PUBLICATION PURPOSES, REPEALING ORDINANCE NO. 581 PASSED THE 23rd DAY OF OCTOBER 2018; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, RCW 35A.21.230 obligates the City to designate an official newspaper by resolution which is of general circulation in the City and have the qualifications prescribed by Chapter 65.16 RCW; and

**WHEREAS**, the City of Napavine asked for bids from local newspapers serving the Lewis County area; and

**WHEREAS**, the city received one bid from The Chronicle and the city comes now to award the bid to the lowest bidder; and

**WHEREAS**, The Chronicle is the lowest qualified bidder and meets the qualifications of a legal newspaper set forth in RCW 65.16.020.

**THE CITY COUNCIL OF THE CITY OF NAPAVINE, WASHINGTON TO ORDAIN AS FOLLOWS:**

**Section 1.** The City Council of the City of Napavine, Washington hereby designates The Chronicle, a newspaper of general circulation within Lewis County, as the official publication for all city business purposes.

**Section 2. Repeal.** Ordinance No. 581 passed the 23rd day of October 2018, shall be and the same hereby is repealed.

**Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 4. Effective Date.** This ordinance shall take effect five days after its passage, approval and publication.

**Section 5. Corrections.** Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

**Section 6. Non-codified.** This Ordinance shall not be codified.

# LEGAL SERVICES AGREEMENT

## City of Napavine, WA

**THIS LEGAL SERVICES AGREEMENT** is dated the \_\_ day of \_\_\_\_\_, 2023, and is entered into by and between the City of Napavine, a Washington Municipal Corporation, located at 407 Birch Avenue SW, PO Box 810, Napavine, WA 98565 (“City”), and the law firm of Buzzard O’Rourke, P.S., a Washington Professional Services Corporation, located at 314 Harrison Avenue, Centralia, WA 98531 (“Law Firm”).

### RECITALS:

**WHEREAS**, the City is a municipal corporation organized and existing pursuant to Title 35A of the Revised Code of Washington; and

**WHEREAS**, the City has a continuing need for legal services; and

**WHEREAS**, the City is required to make provision for obtaining legal counsel pursuant to Title 35A RCW; and

**WHEREAS**, the City has determined that Law Firm is qualified and capable of performing such legal services under the terms and conditions set forth herein; and

**WHEREAS**, The City deems it necessary and in the public interests to employ the above named Law Firm as City Attorney for the City; and

**WHEREAS**, the Law Firm has provided these services to the City since 2017; and

**WHEREAS**, Law Firm is willing to provide such legal services under the terms and conditions set forth herein.

### NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. **Appointment and Effective Date.** The City does hereby appoint Buzzard O’Rourke, P.S., as City Attorney. This Agreement shall be effective upon acceptance by the City.





2. **Ratification.** All acts taken pursuant to this Agreement, but prior to its effective date, are hereby ratified and confirmed.
3. **Organizational Entity.** Law Firm shall represent the City as an organizational entity, and the City as an organizational entity shall be a client of Law Firm. With the exception of requests from the City Council acting as a body, the Mayor shall act as the “gatekeeper” for the City in requesting the services of Law Firm, coordinating and designating the flow of work to Law Firm, and establishing the relative priorities to be placed on tasks to be performed by Law Firm. No member of the City staff may require Law Firm to perform work for the City unless authorized by the Mayor. This provision does not prevent Law Firm, in the discretion of Law Firm, from having one-on-one contact with City Council members and/or City staff. When requesting legal services, the City shall state the specific services requested and the response date.
4. **General Responsibilities of Law Firm.** Law Firm will perform legal work for the City, except as provided herein or otherwise prohibited. At the discretion of Law Firm, multiple members of Law Firm may assist in the performance of legal duties. Law Firm may also utilize outside counsel, if approved by the City. The following list of duties is considered General Responsibilities services which may be performed by Law Firm:
  - a. Review or draft City ordinances, contracts, resolutions, interlocal agreements and other legal documents as requested; and
  - b. Approve legal documents as to proper form and content when requested; and
  - c. Advise and consult with the Mayor and City Council on legal issues pertaining to City business and interests; and
  - d. Advise and consult with City staff as authorized and as necessary on legal issues pertaining to City business and interests; and
  - e. Attend regularly scheduled City Council meetings, and attend specially scheduled City Council meetings as necessary; and
  - f. Attend special meetings, workshops, board meetings, commission meetings, committee meetings, or any other type of public or private meeting as requested, including meetings with other governmental agencies, as is necessary on matters involving the City; and
  - g. Law Firm will provide such other services as are necessary and appropriate in order to provide the City with adequate legal representation.



5. ***Prosecutorial Responsibilities.*** Law firm shall provide the City with prosecutorial services for criminal violations of the City municipal code/ordinances and Washington State statutes in the Napavine Municipal Court located in Napavine, WA. The following list of duties is considered Prosecutorial Responsibilities services which may be performed by Law Firm:
- a. Represent and appear on behalf of the City in court proceedings for misdemeanor and gross misdemeanor charges; and
  - b. Appear on behalf of the City in court proceedings for civil infraction charges as necessary and at the discretion of Law Firm; and
  - c. Represent the interests of the City and (in Law Firm's discretion) proceeding to trial, amending a criminal or civil infraction charge, engaging in plea negotiations, settling a case, and dismissing criminal and civil infraction charges; and
  - d. Preparing and maintaining case files; and
  - e. Preparing, filing and serving necessary pleadings; and
  - f. Working and Communicating with law enforcement personnel; and
  - g. Assembling necessary information and witness coordination in preparation for court proceedings.
6. ***Special Projects/Non-routine Work – Outside of General Responsibilities.*** Non-routine work or special projects include, but are not limited to, the following:
- a. Services rendered in connection with any actual or potential civil or administrative litigation, investigations, audits, mediations, arbitrations, civil and criminal appeals, foreclosures, annexations, seizures and/or forfeitures or any matter in which there is, or potentially will be, an adverse party or opponent (not including criminal cases and traffic infractions).
  - b. Services rendered in connection with site or project-specific land use or real property matters, including but not limited to proposals, permitting, project review, regulatory approvals, franchise agreements, specialty contracts, latecomer agreements, development agreements, and the acquisition, vacation, or disposition of easements, rights-of-way, or other personal property and real property interests.
  - c. Services to be rendered in connection with taxation issues, local improvement districts, bond issues and other matters where a special counsel has been or normally is retained.



Such legal services, when requested to be performed by Law Firm, will not substitute for but may supplement the services rendered by bond counsel.

- d. Prosecutions of civil infractions for zoning, subdivision, public works, and/or building code violations.
- e. All services rendered in connection with labor arbitrations and negotiations.
- f. Any other services requested to be performed and not falling within the definition of general services.
- g. All transportation expenses and transit time incurred by Law Firm in furtherance of the above tasks.

7. **Responsibilities not included.** Law Firm's duties shall not include the following:

- a. Legal services normally provided by the City's insurance pool, bond counsel or any other matter when the City has insurance coverage or contractual provision that provides for legal services; provided, Law Firm may consult with such counsel on behalf of the City and advise the City with regards thereto; and
- b. Public defense services for indigent defendants; and
- c. Matters involving specialized areas of practice where the City's interest would be best served by retaining other counsel; and
- d. Representing the City in any legal matter where Law Firm is prohibited from doing so as a result of a conflict of interest or other reason pursuant to the Rules for Professional Conduct or other applicable law or regulation.

8. **Compensation of Law Firm.** Law Firm shall be compensated as follows:

- a. **Hourly Fee for General and Prosecutorial Responsibilities of Law Firm.** The City shall pay Law Firm TWO HUNDRED FIFTY AND 00/100ths DOLLARS (\$250.00) per hour for legal services provided to the City by an attorney as set forth in Sections 4 and 5 herein and shall pay ONE HUNDRED TWENTY FIVE AND 00/100ths DOLLARS (\$125.00) per hour for services provided by a legal assistant/paralegal. Law Firm shall send an itemized invoice for services provided to the City on a monthly basis. The City shall remit payment within twenty (20) days of receiving Law Firm's invoice/statement.
- b. **Special Projects/Non-Routine Work.** From time to time, the City may direct Law Firm to perform services that are not of a routine nature, or are not included within Law Firm's



General Responsibilities or Prosecutorial Responsibilities. For non-routine services, City shall pay Law Firm's prevailing hourly rate, which may vary from attorney to attorney depending on the particular project. Any staff time associated with such cases shall be billed at the normal rate in place at the time of work for staff. Additional work will be agreed on in advance by both the City and Law Firm. Both parties have discretion regarding any additional work. Further, some claims against the City will be handled by the City's insurance carrier and their assigned attorneys. Law Firm shall not be required to duplicate that representation.

c. **Costs.** Costs that are of a routine nature that are incurred by Law Firm in the performance of legal services described in Sections 4 and 5 shall not be billed to the City. Provided, if Law Firm deems it necessary to incur any unusual costs in the performance of Sections 4 and 5, and the City consents, Law Firm shall be reimbursed such costs from the City. The City shall reimburse Law Firm for all reasonable and necessary expenses which may be paid or incurred by Law Firm on behalf of the City in the performance of Special Projects/Non-routine work.

9. **Term.** The initial term of this Agreement shall commence upon mutual acceptance of this Agreement as set forth in Section herein above, and shall expire on December 31, 2024. Thereafter, this Agreement shall run from year to year (January 1 – December 31). It is the intent of the parties to continue this contractual relationship from year to year until terminated, and is not the intent of the parties to execute a new Agreement at the end of each term. Regardless, following the initial term, either party may terminate this Agreement upon ninety (90) days written notice for cause or for no cause.

10. **Conflicts of Interest Generally.** It is agreed and understood that Law Firm is a private practice and shall continue such private practice. Law Firm has represented and continues to represent many other clients. In the course of representing the City, it is possible that one or more of Law Firm's former, present or future clients will have disputes with the City, the City's constituents or the City's staff. In such an event, we desire to be fair to the City, and to our other clients. Therefore, the City agrees and understands each matter shall be evaluated independently pursuant to the Rules of Professional Conduct, and Law Firm may continue to represent, and may undertake in the future to represent, existing or new clients in any matter that does not substantially interfere with work Law Firm performs for the City, does not or would not constitute a violation of the Rules of Professional Conduct, and the City will not seek to disqualify us from representation in such matters. Further, as an accommodation to some of our current and former clients, Law Firm acts in a fiduciary or non-legal capacity. For example, Law Firm may serve as Personal Representative, Trustee, Deed of Trust Trustee, Attorney-in-Fact, or Registered Agent. Service in such capacities shall not be a conflict.



11. **Disclosure of Known Conflicts.** Prior to being appointed as City Attorney for the City, Law Firm fully disclosed to the Mayor, to the best knowledge of Law Firm, all actual or potential conflicts of interest between Law Firm and the City, as well as between Law Firm's current or former clients and the City. The parties hereto agree and understand that Law Firm shall continue to represent other cities, and will continue to represent other local governments and private sector clients.
12. **Cooperation.** Law Firm will provide candid advice on matters to enable the City to be informed and enable the City to make knowledgeable decisions. To do so, it is essential that the City cooperates with Law Firm, by providing Law Firm with timely, complete and accurate responses to Law Firm's requests for information. In addition, City employees will be available to Law Firm as needed to provide information, answer questions, and discuss issues. The City agrees to use its best efforts to keep Law Firm apprised of legal issues or legal questions that may be discussed at City Council meetings so that Law Firm may be prepared for meetings.
13. **Independent Contractor.** Law Firm, for the purpose of this Agreement, shall be considered an independent contractor. As an independent contractor, Law Firm certifies and agrees to the terms and conditions required of an independent contractor under the laws of the State of Washington.
14. **Bar Association Membership.** Law Firm is responsible for maintaining Law Firm's professional standing as a member of the Washington State Bar Association.
15. **Continuing Training and Education.** It is important for Law Firm to receive continuing training and education relative to serving as City Attorney. Therefore, the City shall pay for an annual membership to the Washington State Association of Municipal Attorneys (WSAMA), and shall also pay tuition and lodging for one attorney to attend both yearly WSAMA conferences. Fees and expenses associated with WSAMA shall be billed proportionally with Law Firm's other municipal clients.
16. **Use of Documents.** The City agrees that if any data, materials, reports, memoranda, or other documents prepared by Law Firm are used for purposes other than those intended in this Agreement, the City does so at the City's sole risk.
17. **Hold Harmless.** The City shall indemnify, defend, and hold Law Firm, Law Firm's officers, agents, and employees, harmless from and against any and all claims, demands, damages, judgments, losses, liability, and expenses, including but not limited to those for personal injury, death, or property damage suffered or incurred by any person, by reason of or in the course of performing this Agreement. Likewise, Law Firm shall indemnify, defend, and hold City, City's elected officials, officers, agents, and employees, harmless from and against any and all claims, demands, damages, judgments, losses, liability, and expenses, including but not limited to



those for personal injury, death, or property damage suffered or incurred by any person, by reason of or in the course of Law Firm's illegal or grossly negligent conduct in performing legal service for City.

Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Law Firm and the City, the Law Firm's liability hereunder shall only be to the extent of the Law Firm's gross negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Law Firm's waiver of immunity under the Industrial Insurance provisions of Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this agreement.

18. **Insurance.** During the term of this Agreement and any extension thereof, the City shall provide insurance coverage for the negligent acts or omissions of the City which shall include claims by third parties made against Law Firm while acting in its capacity as City Attorney.
19. **Prohibition of Discrimination.** The parties to this Agreement agree not to discriminate against any customer, employee, or applicant for employment, subcontractor, supplier, or material man, because of race, color, creed, religion, national origin, marital status, sex, age or handicap, except for a bona fide occupational qualification.
20. **Entire Agreement.** There are no promises, agreements, conditions, understandings, inducements, warranties, or representations, oral or written, expressed or implied, between the parties other than as herein set forth. This Agreement incorporates the entire agreement between the parties with regards to legal work to be performed on behalf of the City, and the rates to be charged therefor.
21. **Corporate Authority.** The City and Law Firm each warrant that all necessary corporate actions have been duly taken to permit each to enter into this Agreement and that each undersigned has been duly authorized and instructed to execute this Agreement.
22. **Severability.** If any term or provision of this Agreement is held invalid, the remainder of such terms or provision of this Agreement shall not be affected, if such remainder would then continue to conform to the terms and requirements of applicable law.
23. **Modification.** This Agreement may be amended from time to time by written agreement of the parties hereto. Law Firm may request modifications to the provisions pertaining to



compensation herein, but shall make such requests at a time and in a manner to allow the City to consider such requests as part of the following year's budget.

- 24. **Assignment.** The rights of each party under this Agreement are personal to that party and may not be assigned or transferred to any other person, firm, corporation, or other entity without the prior, express, and written consent of the other party.
- 25. **Governing Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Lewis County, Washington.
- 26. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.
- 27. **Section Headings.** The titles to the sections of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

**IN WITNESS THEREOF** the parties have caused this Agreement to be executed as of the date and year first above written.

**CITY OF NAPA VINE**

**LAW FIRM**

→ \_\_\_\_\_  
**SHAWN O'NEILL**  
Mayor  
City of Napavine

→ \_\_\_\_\_  
**JAMES M.B. BUZZARD**  
Buzzard O'Rourke, P.S.

Attest:

By: \_\_\_\_\_  
Rachelle Denham, City Clerk



**MEMORANDUM OF UNDERSTANDING**

**By and Between**

**City of Napavine  
And**

**TEAMSTERS UNION LOCAL NO. 252**

**Affiliated with the International Brotherhood of Teamsters**

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**RE: ARTICLE 8 – Health and Welfare Insurance**

Pursuant to the request Teamsters Union Local No. 252 and the City of Napavine, the parties agree to revise Article 8.4 of the current 2023 - 2025 Collective Bargaining Agreement for the City of Napavine as follows:

**8.4 Health and Welfare**

**8.4.1. Medical, Vision & Dental:** Medical and Dental. The Employer shall maintain its present subscription agreement, January 1, 2023, through December 31, 2023, with AWC.

**Maintenance of Benefits.** Effective upon January 1, 2024, based upon December 2023, hours for Medical Plan B, including Life AD&D, Dental A and Vision, the Employer shall pay one thousand three hundred and eighty-eight dollars and zero cents (\$1,398.00) and the employee shall pay two hundred dollar and zero cents (\$200.00) of the required premium through the life of the agreement. The employee's portion of the premium shall be paid by means of a payroll deduction. The Trustees may modify benefits or eligibility of any plan for the purpose of cost containment, cost management, or changes in medical technology and treatment. If increases are necessary to maintain the current benefits or eligibility, or benefits or eligibility as may be modified by the Trustees during the Life of the agreement, the Employer shall pay such increase as determined by the Trustees.

<b>PLAN</b>	<b>PREMIUMS as of 1/1/2024</b>
Medical Plan B	\$1,451.80
Life AD&D Plan A	\$8.60
Dental Plan A	\$120.50
Vision EXT	\$17.10

**8.4.2** The Employer shall remit each month into the following employee health care benefit plans for each employee who has eighty (80) or more compensable hours in the preceding month. The required premium contributions on behalf of each eligible employee shall be made to the administrative offices of Northwest Administrators by the tenth (10th) day of each month.

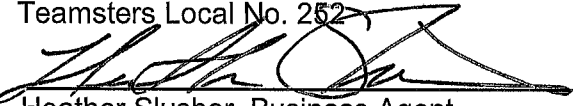
Dated this 30<sup>th</sup> day of October 2023.

**City of Napavine:**

\_\_\_\_\_  
Shawn O’Niell  
Mayor

**Teamsters Union Local No 252:**

  
\_\_\_\_\_  
Brian Blaisdell, Secretary / Treasurer  
Teamsters Local No. 252

  
\_\_\_\_\_  
Heather Slusher, Business Agent  
Teamsters Local No. 252





Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Date Action Taken	
Attest:	

**City of Napavine  
Action Memorandum No. 23-22**

**AM 23-22: Hire Full-time PW Employee**

Originator: B. Morris

Agenda Date: 11/14/2023

Route to:	Department Head	Signature	Date
X No Objections	Mayor		
X No Objections	Bryan Morris		
X No Objections	City Clerk		

Review by Mayor Shawn O'Neill: \_\_\_\_\_,

**Attachment(s):**

Public Works New Employee		
Step A \$4,225.09 month (2023 rate)		
	wage	\$4,255.09
Med/SS	7.65%	\$325.51
L & I	1.24035	\$793.82
Retirement	0.0953	\$405.51
Medical		\$1,398.00
PFMLA	0.002179	\$9.27
	<b>Total</b>	<b>\$7,187.21</b>

**Fiscal Impact:** yes  no

**Summary statement:** With the continuous growth and ever-increasing Washington State mandates, the Community Development/Public Works department is in need of adding a permanent full-time position. They have been utilizing a temporary full time, and would like to extend it to permanent as budgeted in the 2024 budget. This will be for the month of December 2023.

**Staff Recommendation:**

- Asking the council to approve a full-time PW employee.