

Title VI Plan

Thurston County Public Works

May 2024

Agency Administrator

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I. Title VI Policy Statement

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

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

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

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

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

Signed: 
Leonard X. Hernandez
County Manager

May 1, 2024
Date

II. Organization, Staffing, and Structure

The position of County Manager is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all county employees, contractors, and agents pursuant to 49 CFR Part 21.

Thurston County Public Works has delegated the position of Administrative Services Manager to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of Administrative Services Manager is located within Administrative Services Division, and reports directly to the Public Works Director.

The Title VI Coordinator is responsible for:

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

There are five elected county commissioners that serve on the Thurston County Board of County Commissioners (BoCC). The County Manager reports directly to the BoCC, and the Public Works Director reports directly to the County Manager.

Refer to Appendix B for the Thurston County Public Works organizational chart where the positions for each Title VI Liaison are identified.

III. Primary Program Area Descriptions & Review Procedures

Title VI Coordinator's Responsibilities and Program Administration – As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Thurston County Public Works' compliance with Title VI requirements as follows:

| Program Area & Title VI Liaison | General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Review Procedures for Ensuring Non-Discrimination |
|---|--|--|---|
| Design & Engineering <u>Liaison</u> Engineering Project Manager | Responsible for implementing the Transportation Improvement Program (TIP) and project delivery | Generate public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and | Identify which languages may be required for translation prior to holding public meetings, and give advance notice and reasonable convenience to all affected populations to attend |

| | | | |
|---|---|--|--|
| | | arrange for translation services as needed | |
| Environmental <u>Liaison</u> Senior Environmental Coordinator | Responsible for environmental permitting and compliance (e.g. NEPA/SEPA) for projects | Evaluate project impacts as they pertain to Environmental Justice on affected populations | Conduct environmental reviews in accordance with NEPA and SEPA regulations |
| Real Estate Services <u>Liaison</u> Real Estate Services Manager | Responsible for managing appraisal and acquisition of real property and relocation assistance services for projects | Follow Right of Way Manual guidelines for property acquisition as well as applicable laws and regulations, including Title VI and Section 504 | Prior to issuing offers to property owners or any other communications, review primary language spoken at home |
| Construction <u>Liaison</u> Construction Eng. & Support Manager | Responsible for administration of all new construction contracts and the administration of transportation construction projects | Administer and communicate DBE and apprenticeship goals to contractors | Review and monitor contractors for compliance with DBE goals, and ensure nondiscrimination throughout all operations |
| Traffic Engineering and Operations <u>Liaison</u> Traffic Eng. & Ops. Manager | Responsible for developing the TIP, alternative analyses, transportation planning, and managing traffic safety programs | Transportation studies are performed to assess feasibility of projects, including various environmental factors and evaluation of demographic data | Review and document project impacts on all affected populations at project inception |
| Communications <u>Liaison</u> Communications and Outreach Supervisor | Responsible for communicating project needs and updates to the public | Ensures updated, accurate Title VI information is available for public dissemination | Review and monitor public information periodically to ensure accuracy and accessibility |

IV. Review Procedures

A. Thurston County Program Areas

Thurston County Public Works is committed to maintaining an environment free of harassment, discrimination, bullying and retaliation in accordance with county policy. Every employee reviews this expectation with their supervisor during annual performance reviews. The Title VI Coordinator annually confirms if substantial changes are needed to this Title VI plan, including but not limited to changes in the Agency Administrator, changes in delegation of Title VI Coordinator duties, or procedural changes.

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

Title VI Liaisons and the Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Thurston County Public Works staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. The Title VI Coordinator will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

C. Post-Grant Reviews

The Coordinator will collaborate with Thurston County Public Works staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

D. Remedial Action

When irregularities occur in the administration of Federal-aid highway programs, corrective action will be taken to resolve identified Title VI issues. Thurston County Public Works will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Technical assistance and guidance will be provided upon request to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, Thurston County Public Works will reduce to writing any recommended remedial action agreed upon by Thurston County Public Works and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Thurston County Public Works will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Thurston County Public Works and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

V. Data Collection/Reporting/Analysis

| Program Area | Type of Data Collected & Process for Collecting | Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data) |
|------------------------------------|--|---|
| Design & Engineering | Demographic data gathered at public meetings through use of a voluntary questionnaire form which includes race, gender and national origin. | Document demographics within project area to supplement existing U.S. census data, and correct discrepancies if necessary |
| Environmental | Race, ethnicity, language, and poverty data from U.S. census | Ensure fair treatment and meaningful involvement of all populations in regard to environmental policies (i.e. Environmental Justice) |
| Real Estate Services | Statistical data including race, color, national origin and gender on all relocates affected by Federally funded projects and provide detailed demographic data quarterly to the Title VI Coordinator. | Data is used to inform whether translation services or additional support services is required during one-on-one property owner negotiations and/or relocations |
| Construction | DBE and apprenticeship hours for contractors | Ensure compliance with funding requirements and/or project specifications |
| Traffic Engineering and Operations | Race, ethnicity, language, and poverty data from U.S. census | Data is used from project inception to completion to inform whether translation services of important project documents are required, and to ensure project impacts are equitable to all affected populations |
| Communications | Data is collected from other program areas. | Project demographic data is uploaded and maintained on the county website annually by means of the annual Title VI report |

VI. Title VI Training

In keeping with adopted Thurston County Public Works policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable educational and training opportunities. Public Works staff will maintain program

administration documentation and data necessary for preparation of annual Title VI reports and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Coordinator will organize a minimum of one Title VI training session annually for Public Works staff. The Coordinator will disseminate the annual Title VI report and available trainings to consultants, contractors, and subcontractors annually. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

The annual staff training may be fulfilled through one of the following options:

- 1) Attendance of NHI, FHWA, and/or WSDOT trainings disseminated by the Title VI Coordinator, or
- 2) Attendance of an internal training produced by the Title VI Coordinator regarding recent feedback from previous annual Title VI reports or upcoming changes to policies and procedures.

VII. Title VI Complaint Procedures

Discrimination Complaint Procedure for Thurston County Public Works

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

Complaints related to the Federal-aid programs may be filed with Public Works and will be forwarded promptly or within five days to the Washington State Department of Transportation's Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, please contact Kim Burnett.

Who is eligible to file a complaint?

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

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

How do you file a complaint?

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

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

Complaints should be submitted on the Title VI Complaint Form and filed by mail, in person, or e-mail. If a complainant phones Public Works with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain all of the following information:

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

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

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

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

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

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

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

What happens after a complaint is filed?

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

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

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

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

VIII. Title VI Complaint Form



Thurston County Public Works Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Kim Burnett at 360-867-2270 or via Email: kim.burnett@co.thurston.wa.us.

| Complainant Information | |
|---|---------------|
| Name: | Home Phone: |
| Mailing Address: | Work Phone: |
| Email Address: | Mobile Phone: |
| Best time of day to contact you about this complaint: | |
| Complaint Details | |
| Basis of Complaint (circle all that apply): Race Color National Origin (includes language access) | |
| Date of alleged incident: | |
| Who discriminated against you? Name _____ Name of Organization _____ Address _____ City _____ Zip _____ Telephone _____ | |

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

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

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

| Name | Phone number | Mailing Address | Email Address |
|------|--------------|-----------------|---------------|
| | | | |
| | | | |

| | | | |
|---|--|------|--|
| | | | |
| | | | |
| Have you filed your complaint, grievance, or lawsuit with any other agency or court? | | | |
| Who _____ When _____ Status (pending, resolved, etc.) _____ Result, if known _____ Complaint number, if known _____ | | | |
| Do you have an attorney in this matter? _____ Name (print) _____ Phone _____ Address _____ City _____ Zip _____ | | | |
| Signature | | Date | |

IX. Public Participation

Thurston County Public Works identifies minority populations within ½-mile of the project boundary at project inception. The first step of creating a project involves the development of a Business Case form. Each Business Case requires the author to complete the following section:

| | | |
|--|---|-----------------------------|
| Demographic data collected within 1 mile of project area, and saved in project folder? [Title VI requirement] | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | Explanation: Demographic maps (e.g. https://ejscreen.epa.gov/mapper/) showing demographic data such as ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits are saved to the file in the electronic project folder. | |

This demographic data is used throughout the life of the project to inform how outreach is conducted to all affected populations. Government sources such as U.S. Census, EJ Screen tool, and local school districts are preferred and reliable places for gathering the data. Most outreach material is electronic through use of project webpages, emails, and social media posts. Postcards are periodically mailed to residents living within the project extents if there are specific updates such as upcoming site investigations or the commencement of construction. Other forms of communication medium include press releases, legal notices, and project information signs.

The central planning document for transportation activities is the 6 Year Transportation Improvement Program (TIP). The TIP process includes a staff briefing to the BoCC, a public hearing with a public comment section, and then adoption at a regular BoCC business meeting. The agendas for all TIP meetings are posted on the County website. Briefings and hearings are recorded and posted online for public viewing. The same procedure is following for project-specific public hearings.

Public meetings are held during the design phase of projects to inform affected populations of anticipated project impacts. The [Title VI questionnaire \(Title VI Public Involvement form\)](#) is presented as a voluntary form to all public participants to supplement the existing U.S. census data already on file. The meetings are announced on the project webpage and postcards mailed to residents living within the project extents.

If there are Limited English Proficiency (LEP) individuals affected by transportation activities, the procedures outlined in Section X are followed.

Comments and feedback from all affected populations are encouraged and collected at public hearings, public meetings, and one-on-one interactions. Comments and their corresponding responses are recorded in the project file. Public input is evaluated solely based on the merit of any requested change and its implications.

X. Limited English Proficiency

Thurston County Public Works implements its LEP procedures using the four-factor analysis:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee

LEP population within Thurston County, indicating that as of 2022, there are 2,577 LEP households, which make up 2.2% of the total population. It further specifies that the highest single language LEP group is Spanish, with 740 households, or 0.6% of the total population. The data provided helps assess the likelihood of encountering LEP individuals in the context of transportation activities in Thurston County. While there is a significant number of LEP households in Thurston County, they constitute a relatively small percentage of the total population. The highest single language group, Spanish speakers, represents only 0.6% of the total population. This suggests that there may be limited frequency in which LEP individuals are expected to be encountered during transportation activities in the area.

Understanding the demographics of LEP individuals in a particular area is crucial for programs that aim to serve diverse populations effectively. By knowing the number and proportion of LEP individuals, Thurston County can tailor our services to meet the needs of these communities, such as providing language assistance services or ensuring that informational materials are available in multiple languages. The data provided helps assess the likelihood of encountering LEP individuals in the context of transportation activities in Thurston County.

2. The frequency with which LEP individuals come in contact with the program

The process begins with defining the extent of the proposed project. Once this is established, demographic data is collected. This demographic data likely includes information about the population affected by the project, such as their total number and their language preferences or spoken languages at home. If 5.0% of the affected population is identified as LEP, or if this percentage equates to 1,000 people or fewer (whichever is less), then they are recognized as LEP individuals within the context of the project. For those populations where the percentage of LEP individuals exceeds 5.0% or 1,000 people (whichever is less), vital project documents are translated into languages spoken at home other than English. This ensures that LEP individuals have meaningful access to important project information, facilitating their participation and understanding.

Throughout the project lifecycle, efforts will be made to engage LEP individuals through various means such as open houses and public communications, including postcards. Communication will occur at the beginning, periodically during design and right of way phases, at the commencement of construction, and upon completion of construction. These occurrences total three or four times during a project in which LEP populations could come into contact, with the first outreach being the most informative. The follow up communications are typically only updates or progress reports as projects get closer to construction.

3. The nature and importance of the program, activity, or service provided by the program to people's lives

The Public Works department identifies certain documents as vital for effectively communicating essential project information to the community. These documents include project webpages, postcards, right of way documentation (such as appraisals, deeds, and acquisition offers), and project information signs. These documents are crucial for informing the public about project timelines, impacts, and procedures, making them essential for community members to understand the scope and implications of the project. The nature of Public Works projects, which often involve infrastructure development or maintenance, directly impacts people's lives. For example, road construction projects can affect traffic patterns and commuting routes, while utility projects may involve temporary service disruptions. Access to accurate and understandable information about these projects is vital for community members to navigate these changes effectively and plan their activities accordingly. Recognizing the importance of providing equal access to project information, the Public Works department ensures that vital documents are translated into languages spoken by LEP individuals. By doing so, they promote equity and inclusivity, ensuring that all members of the community, regardless of language proficiency, can access and understand critical project details. This inclusivity is particularly important for vulnerable or marginalized populations who may rely on Public Works services for their daily lives. The decision to make other project materials available for translation upon request demonstrates a commitment to comprehensive communication. While certain documents are deemed vital and translated proactively, the department acknowledges that additional technical reports, studies, or supplemental information may also be necessary for a complete understanding of the project. Making these materials available for translation upon request ensures that community members have access to the full scope of project information, enabling them to make informed decisions and participate meaningfully in the process.

4. The resources available to the grantee/recipient or agency, and costs

Thurston County Public Works does not have in-house translators. By choosing to contract translation services on a project-specific basis, the department is likely managing costs more effectively. Contracting translation services only when necessary allows the department to allocate resources more efficiently, ensuring that funds are used judiciously while still meeting

the needs of LEP individuals. Thurston County Public Works ensures equitable access to translation services by stating that there will be no cost to LEP individuals. This approach prioritizes inclusivity and ensures that language barriers do not hinder LEP individuals from accessing vital information related to Public Works projects. Contracting translation services on a project-specific basis provides flexibility in resource allocation.

Regarding language assistance, Public Works contracts with Department of Enterprise Services approved contractors, such as Corporate Translation Services (CTS), to provide on-demand over the phone interpreter services. If a LEP individual requests language assistance during communications with Public Works, staff will recommend them contact this on-demand contractor paid for by Public Works. Public Works staff will be responsible for connecting the LEP individual to the translation services.

XI. Environmental Justice

Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed. Each environmental review includes data collection of affected populations and determines the severity of project impact on minority and/or low-income populations. Each federally funded project requires an environmental justice evaluation. The evaluation requires submission of demographic data from the public school closest to the project and US census data. Data are collected from a couple different sites, such as Washington State Report Card, EJScreen, etc. All data will be in the NEPA packets for the respective projects. If an adverse impact is identified, the affected populations will be engaged during considerations of other project alternatives to prevent, mitigate, or correct the impact.

XII. Notice of Title VI Rights

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

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

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

To file a Title VI discrimination complaint, contact:

Kim Burnett

9605 Tilley Rd. S
Olympia, WA 98512
360-867-2270

Washington Department of Transportation
Office of Equity and Civil Rights Box 47314
Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
Phone: (360)705-7090

Thurston County posts the following Title VI information on its website, including a Spanish translation for filing complaints.

Diversity and Inclusion

Thurston County Title VI Notice to the Public

Federal law protects everyone's right to participate and be heard. Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 prohibit people from being excluded from participation in, being denied benefits of, or being subjected to discrimination under any program, project, or activity of Federal Aid recipients, sub-recipients, and contractors, whether such programs, project, and activities are federally assisted or not.

As a recipient of Federal Aid, Thurston County Public Works must comply with Title VI of the Civil Rights Act and related laws, regulations and other requirements, including addressing environmental justice (EJ) with minority and low-income populations, and improving access to people with limited English proficiency (LEP).

Thurston County Public Works Title VI Documents

- [Title VI Plan](#) for Federally funded Projects

Additional Resources

- [Thurston County Equity & Inclusion Program](#)
- [Thurston Regional Planning Council Demographic Data](#)
- [US Department of Justice Title VI](#)
- [US Department of Transportation Environmental Justice](#)
- [Limited English Proficiency](#)

How to File a Complaint

If you suspect you have been discriminated against under Title VI of the Civil Rights Act, please view our [Title VI Complaint Procedures \(PDF\)](#) and use the [Title VI Complaint Form \(PDF\)](#) to file a complaint.

Como presentar una queja

Si siente que ha sido discriminado en virtud del Título VI de la Ley de Derechos Civiles, lea nuestros [Procedimientos de Quejas del Título \(PDF\)](#) y use el [Formulario de Quejas del Título VI \(PDF\)](#).

Contact Us

If you have questions or would like any further information relating to Title VI, EJ, LEP, complaint procedures or any related issue, please contact the Public Works Title VI Coordinator.

- [Email the Title VI Coordinator](#)
- Call | 360-867-2270
- Mail | Thurston County Public Works | 9605 Tilley Rd. SW | Olympia, WA 98512

XIII. Attachments

Appendix A – USDOT 1050.2A, Standard Assurances with Appendices – November 2023

Appendix B – Public Works Organizational Chart

Appendix C – Title VI Complaint Form

Appendix A:

Title VI Assurances Signed

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

Assurances

DOT Order No. 1050.2A

The Thurston County Public Works (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 Thurston County Public Works, 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, Thurston County Public Works 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 Washington State Department of Transportation 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 Washington State Department of Transportation. You must keep records, reports, and submit the material for review upon request to Washington State Department of Transportation, 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.

Thurston County Public Works 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.

Thurston County Public Works
(Name of Recipient)

by Jennifer D. Walker
(Signature of Authorized Official)

DATED 11/1/2023

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 Thurston County Public Works 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 Thurston County Public Works 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 Thurston County Public Works 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 Thurston County Public Works, its successors and assigns.

The Thurston County Public Works, 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 Thurston County Public Works 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 Thurston County Public Works 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, Thurston County Public Works 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 Thurston County Public Works 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 Thurston County Public Works 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 Thurston County Public Works 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, Thurston County Public Works 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, Thurston County Public Works will there upon revert to and vest in and become the absolute property of Thurston County Public Works and its assigns.*

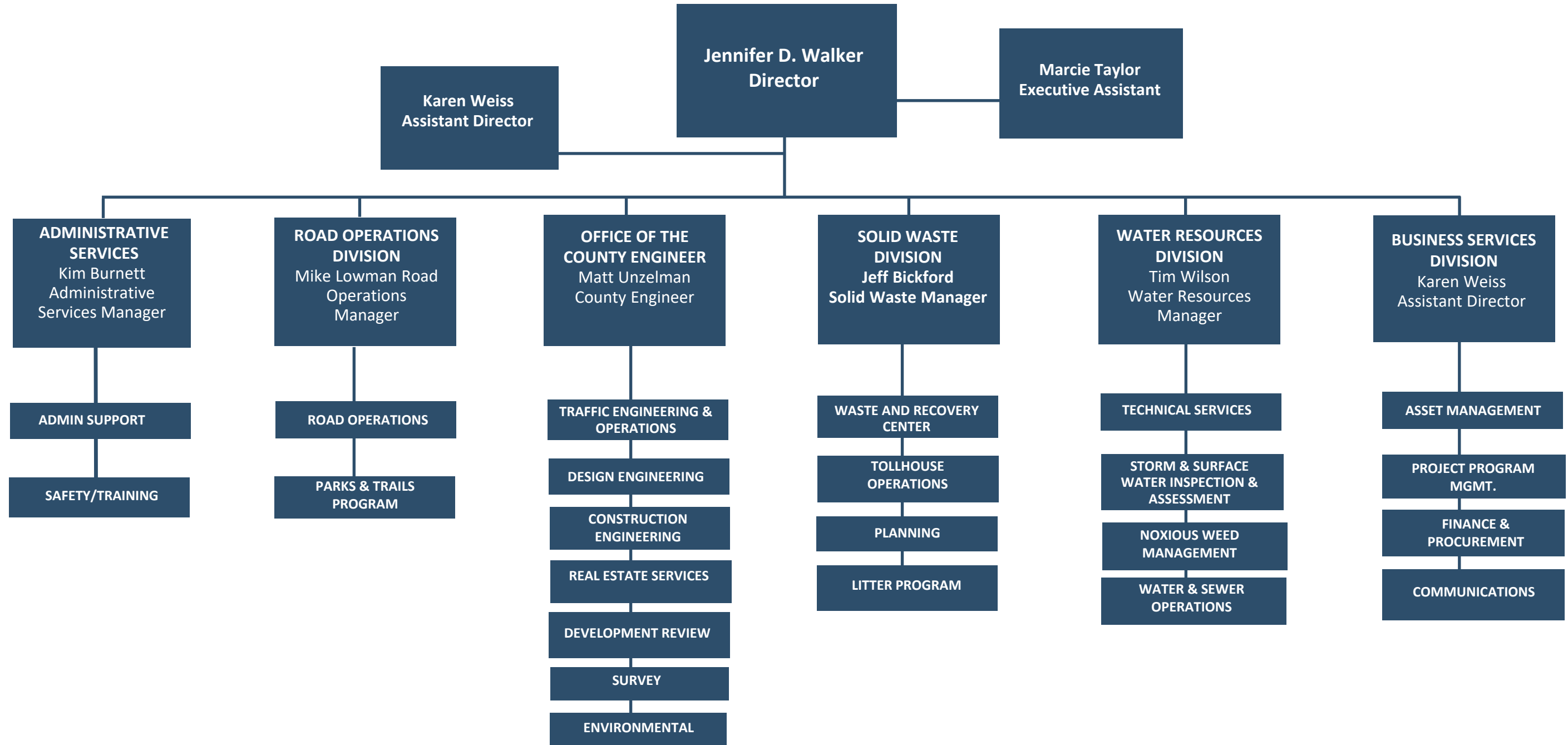
(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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).





Thurston County Public Works Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Kim Burnett at 360-867-2270 or via Email: kim.burnett@co.thurston.wa.us.

Complainant Information

| | |
|---|---------------|
| Name: | Home Phone: |
| Mailing Address: | Work Phone: |
| Email Address: | Mobile Phone: |
| Best time of day to contact you about this complaint: | |

Complaint Details

| |
|---|
| Basis of Complaint (circle all that apply): Race Color National Origin (includes language access) |
| Date of alleged incident: |
| Who discriminated against you? Name _____ Name of Organization _____ Address _____ City _____ Zip _____ Telephone _____ |

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

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

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

| Name | Phone number | Mailing Address | Email Address |
|------|--------------|-----------------|---------------|
| | | | |
| | | | |
| | | | |
| | | | |

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

Who _____

When _____

Status (pending, resolved, etc.) _____

Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter? _____

Name (print) _____

Phone _____

Address _____

City _____ Zip _____

Signature

Date



Thurston County Public Works

Formulario de presentación de quejas según el Título VI

Complete este formulario de la mejor manera que sea posible. Si necesita una traducción u otro tipo de asistencia, comuníquese con Kim Burnett por teléfono al 360-867-2270 o por correo electrónico a kim.burnett@co.thurston.wa.us.

Información de la persona que presenta la queja

| | |
|----------------------------------|-----------------------|
| Nombre: | Teléfono residencial: |
| Dirección postal: | Teléfono laboral: |
| Dirección de correo electrónico: | Teléfono móvil: |

El mejor horario del día para comunicarnos con usted en relación con esta queja:

Detalles sobre la queja

Motivos por los que desea presentar esta queja (encierre en un círculo todas las opciones que correspondan):

Origen étnico Color de piel Nacionalidad (se incluyen las cuestiones relacionadas con el acceso lingüístico)

Fecha del presunto incidente:

¿Quién cometió un acto de discriminación contra usted?

Nombre _____

Nombre de la organización _____

Dirección _____ Ciudad _____ Código postal _____

Teléfono _____

Explique qué sucedió, por qué cree que sucedió y de qué manera se cometió el acto de discriminación contra usted. Indique quiénes participaron. Asegúrese de incluir de qué manera otras personas recibieron un trato diferente del que recibió usted. Si tiene algún otro tipo de información sobre lo que sucedió, adjunte documentos complementarios al formulario. (Adjunte más páginas si necesita más espacio).

¿Qué reparación desea obtener por el presunto acto de discriminación? Tenga en cuenta que este proceso no derivará en el pago de daños punitivos ni en una indemnización económica.

Mencione a las personas con quienes deberíamos comunicarnos para obtener más información que respalde su queja. Indique a continuación sus nombres, números de teléfono, dirección postal y dirección de correo electrónico.

| Nombre | Número de teléfono | Dirección postal | Dirección de correo electrónico |
|--------|--------------------|------------------|---------------------------------|
| | | | |
| | | | |
| | | | |

| | | | |
|--|--|--|-------|
| | | | |
| ¿Presentó su queja, denuncia o demanda ante cualquier otra agencia o tribunal? | | | |
| ¿Ante quién la presentó? _____ ¿Cuándo la presentó? _____ Estado (pendiente, resuelta, etc.) _____ Resultado, si lo conoce _____ Número de queja, si lo conoce _____ | | | |
| ¿Tiene un abogado en este asunto? _____ Nombre (en letras de imprenta) _____ Teléfono _____ Dirección _____ Ciudad _____ Código postal _____ | | | |
| Firma | | | Fecha |