

Title VI Plan

Puget Sound Regional Council
April 2002

Title VI Plan, Puget Sound Regional Council Table Of Contents

PLAN TEXT

Policy Statement.....	1
Authorities.....	1
Organization.....	2
Title VI Coordinator Responsibilities.....	2
Title VI Liaison Responsibilities.....	3
Planning Coordination.....	3
Education and Training Coordination.....	4
Environmental Affairs Coordination.....	4
Consultant Contracts Coordination.....	5
Program Administration.....	5

ADDENDA

1. PSRC Title VI Assurances.....	8
Appendix 1.....	10
Appendix 2.....	12
Appendix 3.....	13
2. Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities.....	14
3. PSRC Title VI Notice to Public.....	16
4. PSRC Organization.....	17

Title VI Plan Puget Sound Regional Council

POLICY STATEMENT

The Puget Sound Regional Council (PSRC) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. PSRC further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event PSRC distributes federal aid funds to another governmental entity, PSRC will include Title VI language in all written agreements and will monitor for compliance.

PSRC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other PSRC responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Mary McCumber, Executive Director

Date

AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

- Additional Authorities and Citations Include:
Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 Code of Federal Regulations 50.

ORGANIZATION

The Executive Director of PSRC is responsible for ensuring the implementation of the agency's Title VI programs. The Title VI Coordinator, on behalf of the Executive Director, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator (hereafter referred to as "Coordinator") under the direct supervision of the Executive Director.

Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring PSRC's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by PSRC.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of, federally funded programs.
3. Review Environmental Impact Statements prepared by PSRC for Title VI and Environmental Justice compliance.
4. Conduct annual Title VI reviews of special emphasis program areas (planning, education and training, environmental affairs, and consultant contracts) to determine the effectiveness of program activities at all levels.
5. Conduct Title VI reviews of all consultant contractors and recipients of federal funds directly distributed by PSRC (hereinafter, "recipients of federal funds directly distributed by PSRC" will be referred to as "subrecipients").
6. Review the PSRC work program in coordination with Title VI liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
7. Assist WSDOT in the distribution of information on training programs regarding Title VI and related statutes.
8. Prepare the annual Title VI update report presenting the accomplishments of the past year and goals for the following year.
9. Develop Title VI information for dissemination to the general public and, where appropriate, provide versions in languages other than English.
10. Identify, investigate, and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Title VI Liaison Responsibilities

In addition to the Title VI Coordinator, each of the special emphasis program areas listed below shall have a designated Title VI Liaison (hereinafter referred to as “Liaison”). The Liaison shall be responsible for ensuring compliance, program monitoring, reporting, and education within their respective program areas (see Addendum 4). Program areas are as follows:

- Planning Coordination
- Education and Training Coordination
- Environmental Affairs Coordination
- Consultant Contracts Coordination

The Coordinator meets quarterly with all Liaisons to discuss issues regarding program implementation and compliance monitoring within PSRC. The Title VI responsibilities for each special emphasis program area are as follows:

Planning Coordination

PSRC Responsibilities

- Transportation Planning:
The PSRC has the responsibility to develop long- and short-range plans to provide efficient transportation services to the central Puget Sound Region.
- Operational Guidelines:
 - The Metropolitan Planning Organization Regulations 23 CFR 450
 - RCW 47.80 Regional Transportation Planning Organization (RTPO)
- Planning Process:
A comprehensive transportation planning process is used which incorporates input from the public. The process further entails the monitoring and collection of varied data pertaining to transportation issues. PSRC coordinates with WSDOT, cities, and counties; seeks public involvement; and provides technical support when needed.

Title VI Liaison’s Responsibilities

- Ensure that all aspects of the planning process operation comply with Title VI.
- Ensure that participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
- Assist the Title VI Coordinator in gathering and organizing the Planning portion of the Annual Title VI Update Report.
- Review the Planning work program and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on any Citizens Advisory Committees (CAC) by reviewing information pertaining to their selection criteria for CAC members and obtaining information on membership makeup (race, gender, and position within the organization) for evaluation.

- Visit CAC meetings as well as public meetings when offered in predominantly ethnic minority communities to verify the level of participation of Title VI protected group members. Collect data on gender, race, and national origin of public forum attendees.

Education and Training Coordination

PSRC Responsibilities

- Staff Development:
WSDOT will provide training opportunities to PSRC staff and subrecipients, including training provided by the National Highway Institute (NHI).
- Operational Guidelines:
 - PSRC Employee Handbook

Title VI Liaison’s Responsibilities

- Assist WSDOT in the distribution of information on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable NHI courses for qualified PSRC employees.

Environmental Affairs Coordination

PSRC Responsibilities

- Environmental Affairs:
 - Assists in integrating environmental considerations and regulatory requirements into PSRC’s work program.
 - Provides technical expertise for planning analyses.
 - Develops environmental policies, procedures, and manuals.

A systematic process is used to study and evaluate all necessary environmental aspects of certain proposed PSRC actions as set forth in EB-97-01. Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-significance (DNS), or NEPA and/or SEPA Environmental Impact Statement will be completed.

- Operational Guidelines:
 - Executive Order 12898 on Environmental Justice
 - 49 CFR 622, 635, 640, 712, 771, and 790
 - EB-97-01, A Resolution of the Executive Board of the Puget Sound Regional Council, Seattle, Washington, Adopting Procedures and Policies Implementing the State Environmental Policy Act

Title VI Liaison’s Responsibilities

- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Conduct meetings to review the project impact.

- Disseminate to the public their rights to call or write the agency to view plans and discuss environmental problems.
- Coordinate the gathering of information for the Annual Title VI Update Report.
- Notify affected protected group residents of public meetings or hearings regarding proposed actions, and make the meetings/hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Develop mechanisms to identify the population affected by an action.
- Ensure Title VI/Environmental Justice compliance in all Environmental Impact Statements prepared by PSRC in coordination with the Title VI Coordinator.
- Provide information in languages other than English, as needed.

Consultant Contracts Coordination

PSRC Responsibilities

- Consultant Services:
The PSRC is responsible for consultant selection, negotiation, and the administration of consultant contracts.
- Operational Guidelines:
 - PSRC’s “Procurement Policies, Guidelines, and Procedures”
 - 48 CFR 31
 - 23 CFR 172
 - RCW 39.29
 - RCW 39.80
- Consultant Selection Process:
The PSRC operates under its internal contract procedures and all relevant federal and state laws.

Title VI Liaison’s Responsibilities

- Monitor DBE program requirements.
- Ensure that all federally funded consultant contracts administered by the PSRC have the appropriate Title VI provisions included (See Appendix 1 of Addendum 1).
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the agency’s Title VI Update Annual Report.

PROGRAM ADMINISTRATION

The Title VI Coordinator and his/her Title VI Liaisons shall be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (see Addendum 1). The Title VI Coordinator, under the direct supervision of the Executive Director, will be responsible for the day-to-day administration of the program.

1. Complaints

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, income, sex, or disability, s/he may exercise their right to file a complaint with PSRC. Every effort will be made to resolve complaints informally at the regional, subrecipient, and contractor's level (see Addendum 2).

2. Data Collection

Statistical data on race, color, national origin, and sex of participants in, and beneficiaries of, federally funded programs will be gathered and maintained by the Title VI Coordinator for the agency. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

3. PSRC's Title VI Program Reviews

PSRC's Title VI Program reviews will be performed by the Title VI Coordinator to assess the agency's administrative procedures, staffing, and resources available for Title VI compliance.

4. PSRC Annual Reviews

All special emphasis program areas will be reviewed annually with the Title VI Liaisons to assure effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Title VI Coordinator and program representatives will coordinate efforts to ensure the equal participation in all of their programs and activities at all levels.

5. Operational Guidelines

All operational guidelines to contractors and special emphasis program areas will be reviewed annually to include Title VI language and provisions, and related requirements, where applicable.

6. Training Program

Assist WSDOT in the distribution of information on training programs regarding Title VI and related statutes.

7. Annual Reports

An annual executive summary will be submitted to the Executive Director reviewing Title VI accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Title VI Coordinator will be responsible for the coordination and preparation of the report.

8. Title VI Plan Update

An annual Title VI Plan Update will be submitted to the Washington State Department of Transportation (WSDOT) in October of each year. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update report will also include goals and objectives for the upcoming year.

9. Public Dissemination

The Title VI Coordinator will disseminate Title VI Program information to PSRC employees, contractors, and beneficiaries, as well as the general public. Public dissemination will include electronic posting of public statements on the agency's web site, inclusion of Title VI language in contracts, publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects, and announcements of hearings and meetings in minority publications (see Addendum 3).

10. Post-grant Reviews

Post-grant Title VI Compliance reviews of consultants with PSRC will be conducted annually. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are to be conducted on those subrecipients that have already received PSRC federal funds.

11. Remedial Action

PSRC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all administrative program requirements, both within PSRC and with PSRC's subrecipients. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on subrecipients, PSRC will reduce to writing a remedial action agreed upon by PSRC and WSDOT to be necessary, all within a period not to exceed 90 days.

PSRC will seek the cooperation of subrecipients in correcting deficiencies found during the review. PSRC will also provide the technical assistance and guidance needed to aid the subrecipients to comply voluntarily. Subrecipients 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 subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the PSRC will submit to WSDOT and FHWA two copies of the case file and a recommendation that the recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, PSRC may, with WSDOT and FHWA's concurrence, initiate sanctions per 49 CFR 21.

12. Procedures Manual

All day-to-day administration of the Title VI Program will be incorporated in a Procedures Manual that will be updated regularly to incorporate changes and additional responsibilities.

ADDENDUM 1

PSRC Title VI Assurances

The Puget Sound Regional Council (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

1. That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

“The Puget Sound Regional Council, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements 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 shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

Mary McCumber, Executive Director

Date

APPENDIX 1 (of ADDENDUM 1)

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

1. Compliance With Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Puget Sound Regional Council or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Puget Sound Regional Council, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the Puget Sound Regional Council shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Puget Sound Regional Council or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Puget Sound Regional Council enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX 2 (of ADDENDUM 1)

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, the Puget Sound Regional Council (PSRC)—as authorized by law, and upon the condition that the state of Washington will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Washington all the right, title, and interest of the PSRC in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Washington, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Washington, its successors, and assigns.

The state of Washington, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, 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*, (2) that the state of Washington shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, PSRC and its assigns as such interest existed prior to this instruction.¹

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

APPENDIX 3 (of ADDENDUM 1)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Puget Sound Regional Council (PSRC) pursuant to the provisions of Assurance 7.

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

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the PSRC pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

ADDENDUM 2

Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by PSRC as to subrecipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedure

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with PSRC's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of PSRC's subrecipients of federal funds, PSRC will assume jurisdiction and will investigate and adjudicate the case.
3. Once PSRC decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the PSRC's records identifying its basis and the race, color, national origin, and gender of the complainant.
4. In cases where PSRC assumes the investigation of the complaint, PSRC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish PSRC his/her response to the allegations.
5. Within 50 calendar days of receipt of the complaint, PSRC's Investigator* will prepare an investigative report for the Executive Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
*This can be one of PSRC's Title VI Liaisons, or PSRC's Title VI Coordinator.
6. The investigative report and its findings will be sent to PSRC's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input within 10 calendar days.

7. Any comments or recommendations from PSRC's Legal Counsel will be reviewed by PSRC's Investigator. The Investigator will discuss the report and recommendations with the Executive Director. The report will be modified as needed and made final for its release.
8. Once PSRC's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. PSRC's investigative report and a copy of the complaint will be forwarded to WSDOT's Office of Opportunity within 60 calendar days of the receipt of the complaint. The Office of Equal Opportunity will share the report with FHWA, Washington Division Office, as part of its Annual Title VI Update and Accomplishment Report.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal PSRC's determination to the WSDOT Office of Equal Opportunity. If a complainant is still not satisfied, the next right of appeal is to FHWA, Washington Division Office; United States Department of Transportation (USDOT); or the United States Department of Justice (USDOJ). Appeals must be filed within 180 days after PSRC's final resolution. Unless new facts not previously considered come to light, reconsideration of PSRC's determination will not be available.
11. PSRC will serve as an appeal forum to a complainant that is not satisfied with the outcome of an investigation conducted by one of its subrecipients. PSRC will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

ADDENDUM 3

PSRC Title VI Notice to Public

PSRC hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which PSRC 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 PSRC. Any such complaint must be in writing and filed with the PSRC Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the PSRC at no cost by calling (206) 464-7090.

ADDENDUM 4

PSRC Organization Chart

