

Title VI Plan
The City of Federal Way
The Public Works Department



Beginning Date of Plan: April 01, 2024

Jim Ferrell, Mayor
Agency Administrator/Signatory Authority

EJ Walsh, P.E., Public Works Director
Public Works Director

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I. Title VI Policy Statement

It is the policy of the City of Federal Way 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 within the City as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all programs and operations within the City, including its contractors and anyone who acts on behalf of the City. Further, this policy applies to the operations of any department or agency to which the City extends federal financial assistance. Federal financial assistance includes grants, training, equipment and property usage, donations of surplus property, and other assistance. Lastly, this policy requires information, services, and benefits to be provided in languages other than English when significant numbers of potential beneficiaries have limited English proficiency (LEP).

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: _____

Mayor, City of Federal Way

Feb. 28, 2024
Date

II. Organization, Staffing, and Structure

The Mayor of the City of Federal Way 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 LPA employees, contractors, and agents pursuant to 49 CFR Part 21.

The Diversity, Equity, and Inclusion (DEI) Analyst within the City performs the duties of the Title VI Coordinator and ensures implementation of the Title VI program throughout the City. This is accomplished in partnership and collaboration with the Public Works Department, as well as other City departments, and designated staff. The position of DEI Analyst is located within the City's Community Services Division of the Community Development Department.

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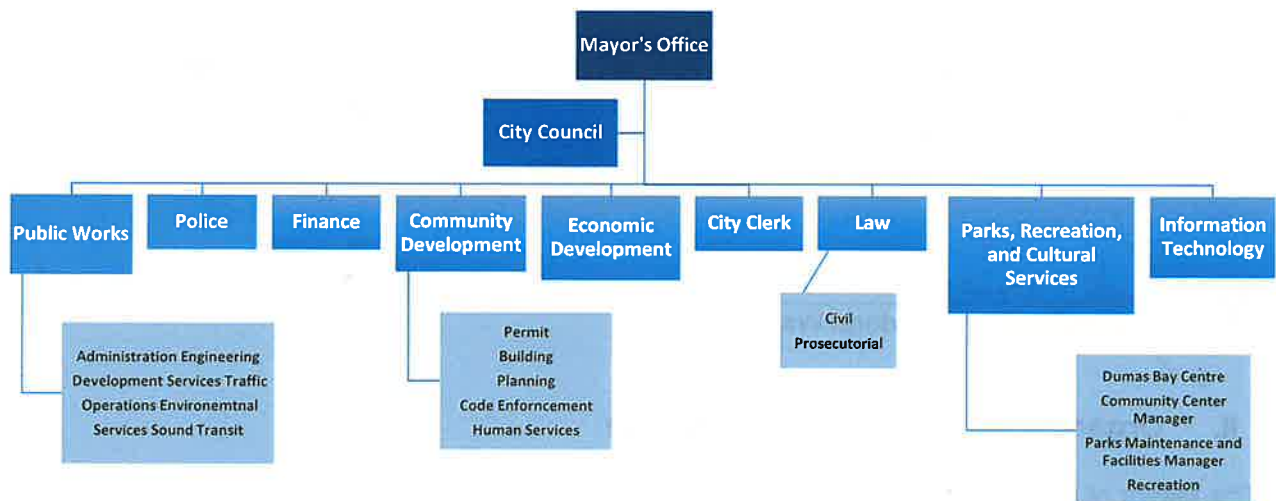
The Title VI Coordinator is responsible for the following:

- 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.

The Mayor of the City of Federal Way has designated the Deputy Public Works Director, Engineering Manager, and City Traffic Engineer as Title VI Specialists within the City's Public Works Department to assist the Title VI Coordinator with the implementation of City's Title VI program.

In addition to the Title VI Coordinator and designed Public Works Department staff, the following City offices and departments may also have contributions and roles in implementing the City's Title VI program as is necessary or appropriate, and within allocated resources.

City of Federal Way Organizational Chart



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An organization chart is included in the Exhibit "A."

III. Primary Program Area Descriptions & Review Procedures

As authorized by the City's administration, the Title VI Coordinator and/or Specialists are responsible for initiating, monitoring, and ensuring the City's compliance with Title VI requirements as outlined below. These program areas and review procedures include both transportation-specific projects and general benefits and services within the program areas of the City.

Program Areas (Agency)	General Description of Operations (Agency)	Title VI/Non-Discrimination Concerns and Responsibilities (Agency)	Review Procedures for Ensuring Non-Discrimination (Agency and/or Subrecipient)
<p>Right of Way</p>	<p>To provide oversight, guidance, supports, ad resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p> <p>The department will also notify adjacent residents of right of way projects using multiple modalities (physical and digital) and alternative languages via translation, as needed.</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <ul style="list-style-type: none"> a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan; b. Creating opportunities for community outreach and engagement to receiving input on projects related to right of way; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI 	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm

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		<p>requirements for right of way</p>	<p>operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area.</p> <p>c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient.</p> <p>d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.</p>
<p>Planning</p>	<p>To provide oversight, guidance, supports, and resources to ensure Title VI planning requirements are upheld by the Agency and subrecipients in the City of Federal Way.</p> <p>In planning for transportation-specific projects, the Public</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) will ensure that Title VI requirements regarding planning are upheld and practiced.</p> <p>This will be accomplished by performing the following</p>	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure will require partnership and collaboration from the department and Title VI</p>

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	<p>Works Department will also ensure equal opportunities in community outreach and engagement with the residents of the City of Federal Way, including LEP populations.</p>	<p>responsibilities:</p> <ul style="list-style-type: none"> a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan; b. Creating opportunities for community outreach and engagement to receiving input on projects that involve planning; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for planning 	<p>Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City of Federal Way staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area. c. Agency will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient. d. When irregularities or deficiencies occur in the
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			administration of Federal-aid Highway Program at either the Agency or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.
Environmental	<p>To provide oversight, guidance, supports, and resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p> <p>The department will also notify adjacent residents of major maintenance activities and capital projects using multiple modalities (physical and digital) and alternative languages via translation, as needed.</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <ul style="list-style-type: none"> a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan; b. Creating opportunities for community outreach and engagement to receiving input on projects related to the environment; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for the environment 	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines

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			<p>provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area.</p> <p>c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient.</p> <p>d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.</p>
<p>Training</p>	<p>To provide oversight, guidance, supports, and resources to ensure Title VI training requirements are upheld by the City and subrecipients in the City of Federal Way</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) will ensure that Title VI requirements regarding training are upheld and practiced.</p> <p>This will be accomplished by performing the following responsibilities:</p>	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure will require partnership and collaboration from the department and Title VI Coordinator and supporting Title VI</p>

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		<ul style="list-style-type: none"> a. Identifying and ensuring that all pertinent staff have completed required annual training on Title VI; b. Identifying opportunities for additional training on community outreach and engagement and language access to receiving input on projects; c. Engaging in data collection, monitoring, and analysis to identify any deficiencies related to Title VI requirements for training 	<p>Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City of Federal Way staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area. c. Agency will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient. d. When irregularities or deficiencies occur in the administration of Federal-aid
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			<p>Highway Program at either the Agency or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.</p>
<p>Construction</p>	<p>To provide oversight, guidance, supports, and resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p> <p>The department will also notify adjacent residents of major construction projects using multiple modalities (physical and digital) and alternative languages via translation, as needed.</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <ul style="list-style-type: none"> a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan; b. Creating opportunities for community outreach and engagement to receiving input on projects related to construction projects; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for construction projects 	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants,

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			<p>contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area.</p> <p>c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient.</p> <p>d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.</p>
<p>Maintenance</p>	<p>To provide oversight, guidance, supports, and resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p> <p>The department will also notify adjacent residents</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <p>a. Identifying and ensuring meaningful access to vital documents for LEP populations in the</p>	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p>

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	<p>of major maintenance activities using multiple modalities (physical and digital) and alternative languages via translation, as needed.</p>	<p>associated Language Access Plan;</p> <ul style="list-style-type: none"> b. Creating opportunities for community outreach and engagement to receiving input on projects related to maintenance activities; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for maintenance activities 	<p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area. c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient. d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient
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			levels, corrective action will be taken to resolve identified Title VI issues.
Capital	<p>To provide oversight, guidance, supports, and resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p> <p>The department will also notify adjacent residents of major maintenance activities and capital projects using multiple modalities (physical and digital) and alternative languages via translation, as needed.</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <ul style="list-style-type: none"> a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan; b. Creating opportunities for community outreach and engagement to receiving input on projects related to capital projects; c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for capital projects 	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p> <ul style="list-style-type: none"> a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas. b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language,

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			<p>provisions, and related requirements, as applicable to the program area.</p> <p>c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient.</p> <p>d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI issues.</p>
<p>Design</p>	<p>To provide oversight, guidance, supports, and resources to ensure Title VI requirements are upheld with the by Agency and subrecipients in the City of Federal Way. In addition, the Public Works Department will ensure timely and equitable access to the street.</p>	<p>In preventing discrimination, the City of Federal Way and all responsible departments (as illustrated above in the General Operations Chart) intends to uphold and practice Title VI requirements by performing the following responsibilities:</p> <p>a. Identifying and ensuring meaningful access to vital documents for LEP populations in the associated Language Access Plan;</p>	<p>In the case of a transportation-related project, Title VI review procedures will be applied. Upon receiving a Title VI-related complaint, the review procedure will be engaged. The procedure requires partnership among and involvement of the department and Title VI Coordinator and supporting Title VI Specialists.</p> <p>This procedure consists of the following for subrecipients:</p>

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		<p>b. Creating opportunities for community outreach and engagement to receiving input on projects related to design;</p> <p>c. Engaging in data collection, monitoring, and analysis to identify any irregularities or deficiencies related to Title VI requirements for design</p>	<p>a. The City staff will review select recipients to ensure adherence to Title VI requirements in the germane program areas.</p> <p>b. The Title VI Coordinator and/or Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable to the program area.</p> <p>c. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient.</p> <p>d. When irregularities or deficiencies occur in the administration of Federal-aid Highway Program at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI</p>
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IV. Review Procedures for Transportation-Specific Projects with Public Works Department and WSDOT

The City recognizes all transportation-related projects and programs are subject to Title VI requirements, regardless of funding source. Title VI review of subrecipients of Federal Highway Administration (FHWA) funds will require the Title VI Coordinator and/or designated Specialists of the Public Works Department to assist WSDOT in periodically conducting Title VI compliance reviews.

The periodic reviews will work to confirm the operational guidelines provided to consultants, contractors, and subrecipients, including Title VI language, provisions, and related requirements, as applicable.

a. **Post-Grant Reviews:** The Title VI Coordinator and/or designated Specialists will collaboratively conduct periodic post-grant reviews of select recipients of FHWA and/or other federal funds for roads, sidewalks, bridges, and other transportation-related municipal construction, etc., to ensure adherence to Title VI requirements. Designated staff will periodically confirm that operational guidelines provided to consultants, contractors, and subrecipients include required Title VI language and provisions and related requirements, as applicable.

b. **Remedial Action:** When irregularities or deficiencies occur in the administration of FHWA at either the City or subrecipient levels, corrective action will be taken to resolve identified Title VI issues. The Public Works Department staff will seek the cooperation of the consultant, contractor, or other subrecipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient. When conducting Title VI compliance reviews, the City will reduce to writing any recommended remedial action agreed upon by the City and subrecipient, and provide a copy of the letter within a period not exceeding 45 calendar days.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a subrecipient fails or refuses to voluntarily comply with requirements within the allotted timeframe, the City will submit to WSDOT and FHWA copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 calendar 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 subrecipient refuses to comply, the Public Works Department and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

V. Data Collection, Reporting, and Analysis

The City's process for collecting and analyzing data on race, color, or national origin of participants and beneficiaries to various programs areas consist of the following:

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Program Areas	Types of Data Collected and Process for Collecting and Analysis	Intended Outcomes of Data Analysis (i.e., Title VI Purpose for Collecting the Data)
<p>Capital</p>	<p>The City will collect data on race and ethnicity, national origin, socio-economic status, and languages spoken at home, Census data via Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for capital projects.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific capital projects.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from</p>	<p>The intended outcomes from data analysis on capital projects focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if capital projects had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>

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	capital projects.	
Construction	<p>The City will collect data on race and ethnicity, national origin, socio-economic status, and languages spoken at home, Census data via Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for construction projects.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific construction projects.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from construction projects.</p>	<p>The intended outcomes from data analysis on construction projects focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if construction projects had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>

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<p>Right of Way</p>	<p>The City will collect data on race and ethnicity, national origin, socio-economic status, and languages spoken at home, Census data via Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for right of way projects.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific right of way projects.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from right of way projects.</p>	<p>The intended outcomes from data analysis on right of way projects focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if right of way projects had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>
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<p>Maintenance</p>	<p>The City will collect data on race and ethnicity, national origin, socio-economic status, and languages spoken at home, Census data via Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for maintenance.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific maintenance.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from maintenance.</p>	<p>The intended outcomes from data analysis on maintenance activities focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if maintenance activities had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>
<p>Design</p>	<p>The City will collect data on race and ethnicity, national</p>	<p>The intended outcomes from data analysis on design focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to</p>

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	<p>origin, socio-economic status, and languages spoken at home, Census data via Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for design.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific design.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from design.</p>	<p>LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if design had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>
<p>Planning</p>	<p>The City will collect data on race and ethnicity, national origin, socio-economic status, and languages spoken at home, Census data via</p>	<p>The intended outcomes from data analysis on planning focuses on determining the effectiveness of notices to residents. This will also focus on ensuring that notices were provided in alternate languages to LEP populations.</p> <p>The data analysis on outreach forms and surveys will help determine if planning had a disproportionate impact or unintended consequence</p>

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	<p>Census Tracts, and qualitative feedback collected from community outreach and engagement efforts, particularly on notifications for planning.</p> <p>The analysis will consist of quantitative and qualitative data and will be facilitated on as-needed basis, responding to specific planning.</p> <p>The City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted from planning.</p>	<p>based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.</p> <p>The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.</p>
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VI. Title VI Training

In accordance with Title VI requirements and the City's nondiscrimination policy, departmental procedures will be established and followed by City staff to ensure equal access to germane educational resources and training opportunities. More specifically, the Public Works Department will maintain program administration, including documentation, tracking, and data collection necessary for preparation of required annual Title VI reporting, and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI-related training. The Title VI Coordinator and/or designated Specialists will organize and/or conduct a minimum of one internal Title VI training session annually. The Title VI Coordinator may also organize and facilitate the procurement Title VI training sessions from consultants, contractors, and

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subcontractors periodically, if applicable. WSDOT's Office of Equity and Civil Rights (OECR) may also be asked to provide applicable training.

VII. Title VI Complaint Procedures

The City's Title VI Complaint Procedure and Title VI Complaint Form, included in Exhibit "B," are both available in English and other languages. Both documents will be posted on the City of Federal Way's website. The City's discrimination complaint procedure is outlined below.

Discrimination Complaint Procedure for City of Federal Way

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

Complaints related to the Federal-aid programs may be filed with the City 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 Levi Luft, Title VI Coordinator.

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 City 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 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 Levi Luft, Title VI Coordinator, 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 Levi Luft, Title VI Coordinator.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones City 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 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;

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- 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; and
- 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.

The City 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.

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VIII. Title VI Complaint Form

Again, the City of Federal Way Complaint Form in English and other languages are included in the Exhibit "B." To review the Complaint Form in English, please see below.

Please complete this form to the best of your ability. If you need translation or other assistance, contact Vanessa Audett, HR Manager, at Vanessa.Audett@cityoffederalway.com.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____

Mobile _____

Best time of day to contact you about this complaint:

Email: _____

Basis of Complaint (circle all that apply):

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> 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.)

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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.

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 _____

Signed _____ Date _____

IX. Public Participation

When planning outreach and engagement activities for community input, City staff use demographic and health disparities data (e.g., Washington Tracking Network, EPA EJScreen, Federal Way Public School District, and Census data) to determine who lives in a geographic area that could be affected by a project, service, or benefit. After the initial analysis, if it is determined that there will be significant impacts, appropriate City staff will connect with local organizations, schools, and community members to learn preferred and effective communication pathways and techniques, languages that might not have been detected in analysis, and the presence of underrepresented, underserved, and underfunded communities not previously identified or defined in the census data.

If there are potential impacts to indigenous people, communities, land, or resources, the City will engage those communities and tribal leaders to seek input and collaboration in an effort to

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incorporate their perspectives, needs, concerns, and values into the design and development of the project, service, or benefit.

The City uses a multi-modal approach to communicating and receiving input from underrepresented, underserved, and underfunded communities, including but not limited to relationship building, surveys, focus groups, interviews, public meetings, workshops, newsletters, social media postings, physical mailings, etc. Additionally, the City will continue to use LanguageLine and other translation and interpretation services and resources to more effectively communicate with LEP populations. The City also strives to employ a person-centered, plain-language approach when communicating with residents.

Further, the City will also use outreach forms and surveys to assess whether/how disproportionate impacts or unintended consequences resulted concerning language access efforts on notifications on projects, services, and benefits. The analysis will consist of quantitative and qualitative data, and will be facilitated on as-needed basis, responding to language access efforts concerning notifications on capital projects, services, and benefits.

The data analysis on outreach forms and surveys will help determine if design process had a disproportionate impact or unintended consequence based on race and ethnicity, national origin, socio-economic status, and languages spoken at home.

The data analysis will also track and determine the level of attendance and engagement at public hearings and meetings related to the services to determine if attendance and participation is proportionate to the demographics of the service area. Based on the findings of the analysis, the City will adjust approach and facilitation of meetings to encourage proportionate participation at the public hearings and meetings.

Lastly, the City maintains and attempts to strengthen partnerships with trusted community leaders, local non-governmental organizations, and media outlets to ensure that outreach efforts are culturally and socio-linguistically appropriate for different populations, including LEP individuals.

The City continues to uphold and practice Executive Order 13166 (2000), determining LEP populations through demographic data analysis and attempting to ensure meaningful access to vital information through translation and interpretation services. LEP populations, which is a group is one that constitutes 5% of the population, or 1,000 people, whichever is less, currently identified within the City consist of Spanish, Korean, Russian, and Vietnamese, with plans for including Tagalog as population percentages increase. Further, the City will continue to use LanguageLine and other translation and interpretation services and resources to more effectively communicate with LEP populations.

As described above, the City uses demographic and health disparities data (e.g., Washington Tracking Network, EPA EJScreen, Federal Way Public School District, and Census data) to determine who lives in a geographic area that could be affected by a project, service, or benefit. In addition, the City uses a multi-modal approach to communicating and receiving input from underrepresented, underserved, and underfunded communities, including but not limited to relationship building, surveys, focus groups, interviews, public meetings, workshops, newsletters, social media postings, physical mailings, etc. This is partly accomplished through partnerships with trusted community leaders, local non-governmental organizations, and media outlets to ensure outreach efforts are culturally and socio-linguistically appropriate for LEP populations.

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The City is also in the process of designing, developing, and implementing a Language Access Plan (LAP). The LAP will provide the policy and procedure for ensuring meaningful access to vital documents for LEP populations in the City. This project will be partially informed and guided by community outreach and engagement efforts, as well as collected and analyzed data.

Noteworthy, the City has previously collaborated with other similar-sized municipalities in King County to develop a guide that would include more than 100 of the most commonly used headlines for public information translated into Spanish, Korean, Russian, and Vietnamese.

The City meets periodically with several local organizations representing the needs, concerns, perspectives, and values of minority groups, including the Federal Way Korean American Association, to gather input and build relationships that foster informed, community-focused decision making.

As previously stated, the City also uses a multi-modal approach to communicating and receiving input from underrepresented, underserved, and underfunded communities, including but not limited to relationship building, surveys, focus groups, interviews, public meetings, workshops, newsletters, social media postings, physical mailings, etc. The City also engages voluntary, resident-based commissions and committees to receive feedback and guidance on decision-making opportunities.

The City is also in the process of exploring whether to design and develop both an equity index and tool to better inform decision-making processes. The index would provide an overview of the City's demographics relating to equity concerns and the tool would provide an internal guide and standard metrics on the development, implementation, and evaluation of City programs, policies, initiatives, and budget matters that address impacts on equity.

X. Limited English Proficiency

The City considers vital documents to be paper and electronic documents and communications that are deemed significantly important to an LEP individual's access to City's programs, services, and activities, or that are required by law if it contains information that is critical for obtaining services and/or benefits, or is generally required by law. For example, a road closure or notice of emergency evacuation routes would be considered vital documents, whereas the cleaning out of a storm drain would not. The City defines meaningful access as language assistance services that result in accurate, timely, and effective communication with the LEP individual.

The LEP populations currently identified within the City consist of Spanish, Korean, Russian, and Vietnamese, with a focus on including Tagalog as population percentages increase. According to the American Community Survey, both 5 years and over and 1-year Estimate data sets for 2022, the demographic distribution of these socio-linguistic minority groups is 4,518 Spanish speakers, 3,279 Korean speakers, 1,159 Russian, Polish, and Slavic language speakers, and 3,004 Vietnamese speakers. For Tagalog, including Filipino, there are 2,677 speakers. These primary four socio-linguistic minority groups constitute LEP populations and will receive translated documents to ensure meaning access to vital information.

The frequency with which LEP populations are interacting with City services and benefits varies depending on the department and program. For example, the Public Works and Parks, Recreation, and Cultural Services Departments interact with LEP populations more frequently than other departments, like Finance. The City considers all services and benefits to be

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important and impactful to the lives of those who live, work, and play within the City. (For specific information on the general operations of departments, please see General Operations Chart above.) Toward that end, the City has identified a need for increasing language access resources and tools to better communicate and serve socio-linguistic minorities. The City is responding to this need by developing and implementing a Language Access Plan (LAP). Cost information relating to the LAP is currently being assessed.

City staff are also encouraged to seek resources, tools, and trainings to enhance their outreach and engagement knowledge and skills for more effectively communicating with underrepresented, underserved, and underfunded communities. In addition, the City has developed an internal training on the context, employment, and desires outcomes of using LanguageLine. The cost of LanguageLine is \$3.95 per minute for audio calls and \$4.95 per minute for video calls for interpreters. The City will also continue exploring and using additional translation and interpretation services and resources to more effectively communicate with and reach LEP populations.

XI. Environmental Justice

The City of Federal Way is committed to ensuring environmental justice for all residents, recognizing every individual, regardless of race, ethnicity, socioeconomic status, or geographic location, has the right to live in a healthy and sustainable environment. We understand that environmental injustices disproportionately impact underrepresented, underserved, and underfunded communities, and we are dedicated to addressing these disparities.

Our commitment to environmental justice is grounded in the following principles:

- **Equity and Fairness:** We are committed to promoting equity and fairness in the distribution of environmental benefits and burdens. We recognize historical and systemic disparities that have disproportionately affected certain communities, and we strive to rectify these imbalances.
- **Inclusive Decision-Making:** The City of Federal Way is committed to involving all community members, especially those who have been historically underrepresented, underserved, and underfunded, in decision-making processes related to environmental policies, programs, and projects. We value diverse perspectives and seek to create a more inclusive and participatory governance system.
- **Community Empowerment:** We believe in empowering communities to actively participate in shaping their local environment. By providing information, resources, and support, we aim to enhance the capacity of residents to address environmental concerns and advocate for their own well-being.
- **Health and Safety:** The City of Federal Way prioritizes the health and safety of all residents. We will work to identify and address environmental hazards and risks, especially those that disproportionately impact underrepresented, underserved, and underfunded communities, to create a safer and healthier living environment for all residents.
- **Access to Environmental Benefits:** We are committed to ensuring that all residents have meaningful access to environmental benefits, such as clean air, water, green spaces, and sustainable infrastructure. Our policies and initiatives will aim to enhance the quality of life for everyone in the community.

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- **Climate Justice:** Recognizing the global impact of climate change, the City of Federal Way is committed to addressing climate justice at a local level by developing and implementing strategies that mitigate the effects of climate change and promote resilience, with a focus on protecting underrepresented, underserved, and underfunded communities.
- **Accountability and Transparency:** The City of Federal Way is committed to accountability and transparency in its environmental justice efforts. We will regularly assess the impacts of our policies, programs, and projects on different communities and adjust ensure fair and equitable outcomes.

By embracing these principles, the City of Federal Way aims to foster a more just, equitable, and sustainable community, where everyone can enjoy the same services benefits of a healthy environment.

XII. Notice of Title VI Rights

The City of Federal Way will post Notice of Title VI Rights on the City's Human Resources webpage. The notice will also be posted in Spanish, Korean, Russian, and Vietnamese languages. The notice in English is as shown below:

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

The City of Federal Way 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 City of Federal Way. Any such complaint filed with the City of Federal Way Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the City of Federal Way Human Resources office at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Vanessa Audett, HR Manager
City of Federal Way
33325 8th Avenue S,
Federal Way, WA 98003-6325
Phone: (253) 835-2532
Email: Vanessa.Audett@cityoffederalway.com

Washington Department of Transportation

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

ATTACHMENT:

USDOT 1050.2A, Standard Assurances with Appendices
Exhibit "A" and "B"

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

Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

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

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

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

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

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

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

City of Federal Way
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED 2/28/24

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Federal Way 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 (***Title of Recipient***) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

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

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

APPENDIX C

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Federal Way will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Federal Way will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Federal Way and its assigns.*

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

APPENDIX D

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Federal Way will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Federal Way will there upon revert to and vest in and become the absolute property of City of Federal Way 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).

