

## Title VI Plan for LPAs with Populations over 75,000

### LEWIS COUNTY PUBLIC WORKS

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Beginning date of Plan 5/18/2021

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Prepared by: \_\_\_\_\_

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### I. Title VI Policy Statement

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

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

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

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

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

Signed: \_\_\_\_\_  
Erik Martin, County Manager

May 18, 2021  
Date

### II. Organization, Staffing, and Structure

The Board of County Commissioners 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.

Lewis County Public Works has created the position of Administrative Assistant Sr./Title VI Coordinator to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program in the Public Works Department. The position of Administrative Assistant Sr./Title VI Coordinator is located within Lewis County Public Works Department.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to WSDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;

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- 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.

*Please see the Public Works Organizational chart attached.*

### III. Primary Program Area Descriptions & Review Procedures

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

| <b>Program Area</b>      | <b>General Description</b>                                                       | <b>Title VI/Non-Discrimination Concerns and Responsibilities</b>                                           | <b>Review Procedures for Ensuring Non-Discrimination</b>                                    |
|--------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <i>Ex: Right of Way</i>  | Acquiring Right of Way for transportation projects                               | Identify and provide assistance for those who may need language translation while acquiring ROW            | WSDOT certifies all ROW acquisitions and procedures                                         |
| <i>Ex: Planning</i>      | Transportation Planning                                                          | Identify and provide assistance for those who may need language translation when holding planning hearings | Title IV Coordinator to verify all public notifications have the proper languages addressed |
| <i>Ex: Environmental</i> | Identify projects that potentially impact minority and/or low-income populations | Ensure the environmental justice memorandum is completed for each project                                  | Our environmental planner checks documents to ensure accuracy                               |
| Training                 | Annual Title VI Training                                                         | Title VI Coordinator will attend WSDOT offered training annually and discriminate information to agency    | Title VI coordinator will provide information and training to Public Works staff as needed  |
| <i>Ex: Construction</i>  | Contract documents and agreements                                                | Compliance with WSDOT requirements in all contracts and agreements                                         | Compliance is required in order to keep WSDOT certified agency (CA) in place                |

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|                    |                         |                                                                               |                                               |
|--------------------|-------------------------|-------------------------------------------------------------------------------|-----------------------------------------------|
| Ex:<br>Maintenance | Maintenance of<br>roads | Provide consistant<br>maintenance to all roads of<br>each road classification | Roads are maintained<br>on a regular schedule |
|                    |                         |                                                                               |                                               |

#### IV. Review Procedures

Lewis County Public Works will review all contractors and contracts to ensure they are aware and follow the policies of Lewis County Public Works.

#### V. Data Collection/Reporting/Analysis

| Program Area                 | Type of Data Collected & Process for Collecting                                     | Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data) |
|------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Public Meetings for projects | Meeting notices offered in the Spanish language and providing services if requested | Ensure all populations concerns for a project are addressed                       |
| Environmental                | Gather Environmental Justice data for projects                                      | Ensure all populations concerns for a project are addressed                       |
| Right of Way                 | Gather population data for each project                                             | Ensure all populations concerns for a project are addressed                       |
| Contracts                    | DBE Data                                                                            | Ensure projects meet all DBE goals assigned by WSDOT Local Programs               |
|                              |                                                                                     |                                                                                   |
|                              |                                                                                     |                                                                                   |
|                              |                                                                                     |                                                                                   |
|                              |                                                                                     |                                                                                   |

#### VI. Title VI Training

##### **Address plans for LPA Title VI staff to attend NHI, FHWA, and/or WSDOT training**

In keeping with adopted Lewis County Public Works policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable educational and training opportunities. Public Works staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

**Address how LPA will train staff members and subrecipients.** The Title VI Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Coordinator will organize, through the WSDOT Title VI Coordinator, a minimum of one internal Title VI training session annually for those involved in project development and delivery. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and

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subcontractors periodically, as needed. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

### VII. Title VI Complaint Procedures

#### Discrimination Complaint Procedure for Lewis County Public Works

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

Complaints related to the Federal-aid programs may be filed with Lewis County Public Works and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Kim Amrine, Administrative Assistant Sr/Title VI Coordinator (360) 740-2612 or [Kim.Amrine@Lewiscountywa.gov](mailto:Kim.Amrine@Lewiscountywa.gov).

#### 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 Lewis County Public Works program, service, or activity because of their race, color, or national origin may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated 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. A complaint form in both English and Spanish, are on the Lewis County Public Works website page. Contact Kim Amrine, Administrative Assistant Sr/Title VI Coordinator (360) 740-2612 or [Kim.Amrine@Lewiscountywa.gov](mailto:Kim.Amrine@Lewiscountywa.gov) if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Kim Amrine, Administrative Assistant Sr/Title VI Coordinator (360) 740-2612 or [Kim.Amrine@Lewiscountywa.gov](mailto:Kim.Amrine@Lewiscountywa.gov).

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones Lewis County Public Works with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain 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.

Lewis County Public Works then forwards complaints to WSDOT - Office of Equal Opportunity 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, or transfer the complaint and finding no violation or failure to comply.

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

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

### What happens after a complaint is filed?

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

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

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

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

## VIII. Title VI Complaint Form

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_

Best time of day to contact you about this complaint: \_\_\_\_\_

Email: \_\_\_\_\_

|      |       |                                            |
|------|-------|--------------------------------------------|
| Race | Color | National Origin (includes language access) |
|------|-------|--------------------------------------------|

Date of alleged incident: \_\_\_\_\_

Name \_\_\_\_\_

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

[illegible]

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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

- Lewis County Public Works will look at the current census data and school demographics in order to ensure minority populations are addressed
- Lewis County Public Works will use google translate in order to offer our documentation for projects to the affected population.
- Lewis County Public Works will hold public project meetings in the evening, in a variety of community buildings throughout the County, ensure translation services are available if anticipated, and are held in predominantly minority communities when transportation projects will specifically impact those communities.
- Lewis County Public Works contracts with a translator, if needed, in order to communicate with Limited English Proficient individuals.

### X. Limited English Proficiency

Lewis County Public Works determines LEP requirements by looking at the US Census data and the Environmental Justice data collected during planning stages of the project. The Title VI Coordinator will facilitate the translation of project documents into the Spanish language due to the percentage of Hispanic population in Lewis County. Lewis

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County will use Google translate to put contract documents in both English and Spanish on our website and direct community members to that website in both English and Spanish.

### **Environmental Justice**

An Environmental Justice (EJ) report is completed for every federal aid project that 1) requires ROW acquisitions or relocations; 2) requires a traffic detour; 3) result in noise impacts to sensitive receptors, specific to EJ populations; 4) result in air quality impacts; (5) result in changes to the access of the existing roadway, adjacent residences, or businesses; divide the community, restrict access to services, or affect the overall cohesion of the community; and/or result in or increase exposure to hazardous materials or other health effects. The EJ memorandum includes an analysis of potential impacts to minority and low-income peoples. EJ population's data for the project area is collected using census data from the Environmental Justice Screening Tool run by the US Environmental Protection Agency along with student demographics data from the Office of the Superintendent of Public Instruction. The completed EJ is sent to Local Programs for approval prior to construction approval.

## **XI. Notice of Title VI Rights**

Lewis County Public Works has placed a Title VI program page on our website with information translated in Spanish (our second most prevalent language). Notices for projects will be placed on our website in English and Spanish with advertisements stating the Spanish version is available online.

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

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

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

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To file a Title VI discrimination complaint, contact:

Kim Amrine, Administrative Assistant Sr/Title VI Coordinator  
2025 NE Kresky Avenue  
Chehalis, WA 98532  
(360) 740-2612  
Kim.Amrine@Lewiscountywa.gov

Washington Department of Transportation  
Office of Equal Opportunity – Title VI  
Box 47314  
Olympia, WA 98504-7314  
TitleVI@wsdot.wa.gov  
Phone: (800) 259-9143

### **ATTACHMENT:**

USDOT 1050.2A, Standard Assurances with Appendices