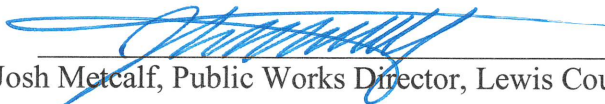


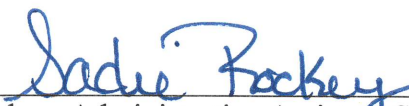


Title VI Plan for LPAs with Populations over 75,000

LEWIS COUNTY PUBLIC WORKS

Plan Updated May 1, 2022


Josh Metcalf, Public Works Director, Lewis County

Prepared by: 
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Phone#: 360-740-2612

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The United States Department of Transportation (USDOT) Standard Title VI/Non-
Discrimination Assurances
DOT Order No. 1050.2A

The Lewis County (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, 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 the Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Lewis County, 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, Lewis County 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 Lewis County 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 Lewis County. You must keep records, reports, and submit the material for review upon request to Lewis County, 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.

Lewis County 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-Aid Highway Program. This ASSURANCE is binding on Washington State, 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.

Josh Metcalf, Public Works Director, Lewis County

by 
(Signature of Authorized Official)

DATED May 1, 2022

I. Title VI Policy Statement

Policy of Nondiscrimination

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 Lewis County Public Works sponsored program or activity. Lewis County Public Works further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not 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.

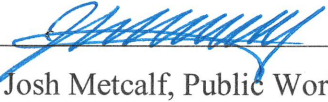
In the event Lewis County Public Works distributes Federal Aid Funds to another entity, Lewis County Public Works will include Title VI Language in all written agreements and will monitor for compliance.

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: 
Josh Metcalf, Public Works Director

May 1, 2022
Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal Financial Assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI Coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid Recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259[S.577] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3.

II. Organization, Staffing, and Structure

- Organizational Chart – Reporting Relationships for the Lewis County Public Works Department
- Refer to attachments for Lewis County Public Works Organization Chart

Agency Administrator

The Board of County Commissioners is authorized to ensure compliance with provisions of the Lewis County Public Works policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Lewis County Public Works Grants compliance function and Title VI Coordination shall be performed under the authority of the Board of County Commissioners.

Title VI Coordinator

The Board of County Commissioners (BOCC) has delegated the duties and responsibilities of ensuring implementation of Lewis County Public Works Title VI Program to the position of Administration Administrative Assistant Sr. / Title VI Coordinator and is identified on the Public Works Organizational Chart. This person shall report to the Deputy Director of Lewis County Public Works. The Title VI Coordinator has other duties and responsibilities in addition to Title VI and is located within the Lewis County Public Works Department. This person shall have an indirect reporting relationship and access to the Board of County Commissioners.

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:

A. Program Administration. Administer the Title VI program and coordinate implementation of the plan. Ensures compliance with the assurances, policy and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing and resources; provide recommendations as required to the Board of County Commissioners.

B. Complaints. Review written Title VI complaints that may be received by Lewis County Public Works following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection. Review statistical data gathered periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII – Special Emphasis Program Areas).

D. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Lewis County Public Works for projects.

E. Training Programs. Conduct and/or facilitate training programs on Title VI issues and regulations for Lewis County Public Works employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients as needed.

F. Title VI Plan Update. Review on an annual basis and update Lewis County Public Works Title VI Plan as needed or required. Present updated plan to the Board of County Commissioners for approval; submit amended plan to WSDOT.

G. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding fiscal year; identify goals and objectives for the upcoming year as required; and submit by May 1st.

H. Public Dissemination. Work with Lewis County Public Works staff to develop and make available Title VI program information to Lewis County Public Works employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. This may include postings of official statements, inclusion of Title VI language in contracts or other agreements, websites postings, and annual publication of Lewis County Public Works Title VI Policy Statement in newspaper(s) having a general circulation. Ensure public service announcements of notices are posted of proposed

projects, hearings, meetings, or formation of public advisory boards in newspaper(s) or other media reaching the affected community. Ensure the full utilization of available minority publication(s) or media; and, where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination. Work with Lewis County Human Resources Department, and other County offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Lewis County Public Works processes.

J. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, WSDOT guidelines, the current Lewis County Public Works Title VI Plan, Annuals Accomplishment Report, and other resource information pertaining to the implementation and administration of the Lewis County Public Works Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to other agency departments or the general public as requested or required.

IV. Review Procedures

1. Title VI Review of Sub-recipients of Federal-Aid Highway Funds. The Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews in which staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VI). Lewis County Public Works will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

2. Environmental Impact Statements. Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Lewis County Public Works for projects.

3. Training Programs. Conduct and/or facilitate training programs on Title VI issues and regulations for Lewis County Public Works employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients as needed.

4. Title VI Plan Update. Review on an annual basis and update Lewis County Public Works Title VI Plan as needed or required. Present updated plan to the Board of County Commissioners for approval; submit amended plan to WSDOT.

5. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding fiscal year; identify goals and objectives for the upcoming year as required; and submit by May 1st.

6. Public Dissemination. Work with Lewis County Public Works staff to develop and disseminate Title VI program information to Lewis County Public Works employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. This may include postings of official statements, inclusion of Title VI language in contracts or other agreements, websites postings, and annual publication of Lewis County Public Works Title VI Policy Statement in newspaper(s) having a general circulation. Ensure public service announcements of notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards in newspaper(s) or other media reaching the affected community. Ensure the full utilization of available minority publication(s) or media; and, where appropriate, provide written or verbal information in languages other than English.

7. Elimination of Discrimination. Work with Lewis County Human Resources Department, and other County offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Lewis County Public Works processes.

8. Maintain Legislative and Procedural Information. Federal laws, rules and regulations, WSDOT guidelines, the current Lewis County Public Works Title VI Plan, Annuals Accomplishment Report, and other resource information pertaining to the implementation and

administration of the Lewis County Public Works Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to other agency departments or the general public as requested or required.

Title VI Assurances for Consultants and Contractors

Lewis County Public Works will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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

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

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

4. *Information and Reports.* The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Lewis County Public Works or the WSDOT to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to Lewis County Public Works, or the WSDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Sanctions for Noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Lewis County Public Works and the WSDOT shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a) *Withholding of payments to the contractor under the contract until the contractor complies, and/or;*
- b) *Cancellation, termination, or suspension of the contract, in whole or in part.*

6. *Incorporation of Provisions.* The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Lewis County Public Works or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Lewis County Public Works enter into such litigation to protect the interests of the Agency and, in

addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

V. Data Collection/Reporting/Analysis

1. Title VI Review of Sub-recipients of Federal-Aid Highway Funds. The Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews in which staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VI). Lewis County Public Works will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

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

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

4. Sub-recipients 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 sub-

recipient fails or refuses to voluntarily comply with requirements within the allotted time Page 6 of 17 frame, Lewis County Public Works will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

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

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 sub-recipients.

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 subcontractors periodically, as needed. WSDOT's Office of Equal Opportunity may be consulted regarding applicable Title VI Training the Public Works Department would utilize.

VII. Complaint Procedures –

Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Lewis County Public Works, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the Agency and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

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.

If you need assistance to file your complaint or need LEP services, please contact Sadie Rockey, Administrative Assistant Sr. /Title VI Coordinator (360) 740-2612 or Sadie.rockey@lewiscountywa.gov

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Title VI Coordinator. A formal complaint must be filed within 180 calendar days of

A. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The Agency will not officially act or respond to complaints made verbally.

B. Upon receiving the written complaint, Lewis County Public Works will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Agency may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.

C. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Lewis County Public Works Department the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.

D. Once Lewis County Public Works decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.

E. In cases where Lewis County Public Works assumes investigation of the complaint, the Agency will provide the respondent with the opportunity to respond to the allegations in

writing. The respondent will have ten (10) calendar days upon receipt, to furnish Lewis County Public Works with his/her response to the allegations.

F. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for the Lewis County Public Works Director and Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

G. The recommendation shall be reviewed by the Lewis County Prosecuting Attorney's office (PA). The PA may discuss the report and recommendations with the Coordinator and other appropriate departmental staff. The report will be modified as needed and made final for its release to the parties.

H. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.

I. A copy of the complaint and Lewis County Public Works' investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.

J. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

2. An annual Log of Complaints must be maintained by each agency. The Complaint Log and documentation are destroyed four years after the end of the fiscal year in which the case is closed.

The Log of Complaints 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 status and disposition of the complaint

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself.

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

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

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.

FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

VIII. Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Sadie Rockey, Administrative Assistant Sr., Title VI Coordinator, Lewis County Public Works, 2025 NE Kresky Avenue, Chehalis, WA 98532 or Sadie.rockey@lewiscountywa.gov

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):

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

Date of alleged incident: _____

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

[illegible]

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 hold public project meetings, 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 will look at the current census data and school demographics in order to ensure minority populations are addressed
- Lewis County Public Works will contact WSDOT for translation of documents in order to offer written materials in languages other than English for projects to the affected population.
- 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 appropriate language based on demographics for the project area. Lewis County will contact WSDOT for to translate required documents into languages other than English. Lewis County Public Works will post documents on our website in English and other languages as needed based on demographic needs.

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.

To file a Title VI discrimination complaint, contact:

Sadie Rockey, Administrative Assistant Sr/Title VI Coordinator

2025 NE Kresky Avenue

Chehalis, WA 98532

(360) 740-2612

Sadie.rockey@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:

Appendices B, C, D and E

Lewis County Public Works Organization Chart