

City of Auburn Title VI Plan

Updated: October 6, 2022

Human Resources Dept.
25 West Main Street
Auburn, WA 98001
253-931-3040
humanresources@auburnwa.gov

I. Title VI Policy Statement

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

This policy applies to all operations of City of Auburn, including its contractors and anyone who acts on behalf of City of Auburn. This policy also applies to the operations of any department or agency to which City of Auburn 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:

City of Auburn Mayor

KC



10.6.22

Date

II. Organization, Staffing, and Structure

Staffing and Structure

The Mayor 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 City of Auburn (City) employees, contractors, and agents pursuant to 49 CFR Part 21.

Title VI Coordinator

The Human Resources Director of the City performs the duties of the Title VI Coordinator and ensures implementation of their Title VI program. The position of Human Resources Director is located within Human Resources Department of the City.

The Title VI Coordinator is responsible for:

- Ensuring submittal of 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
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary

Title VI Specialist

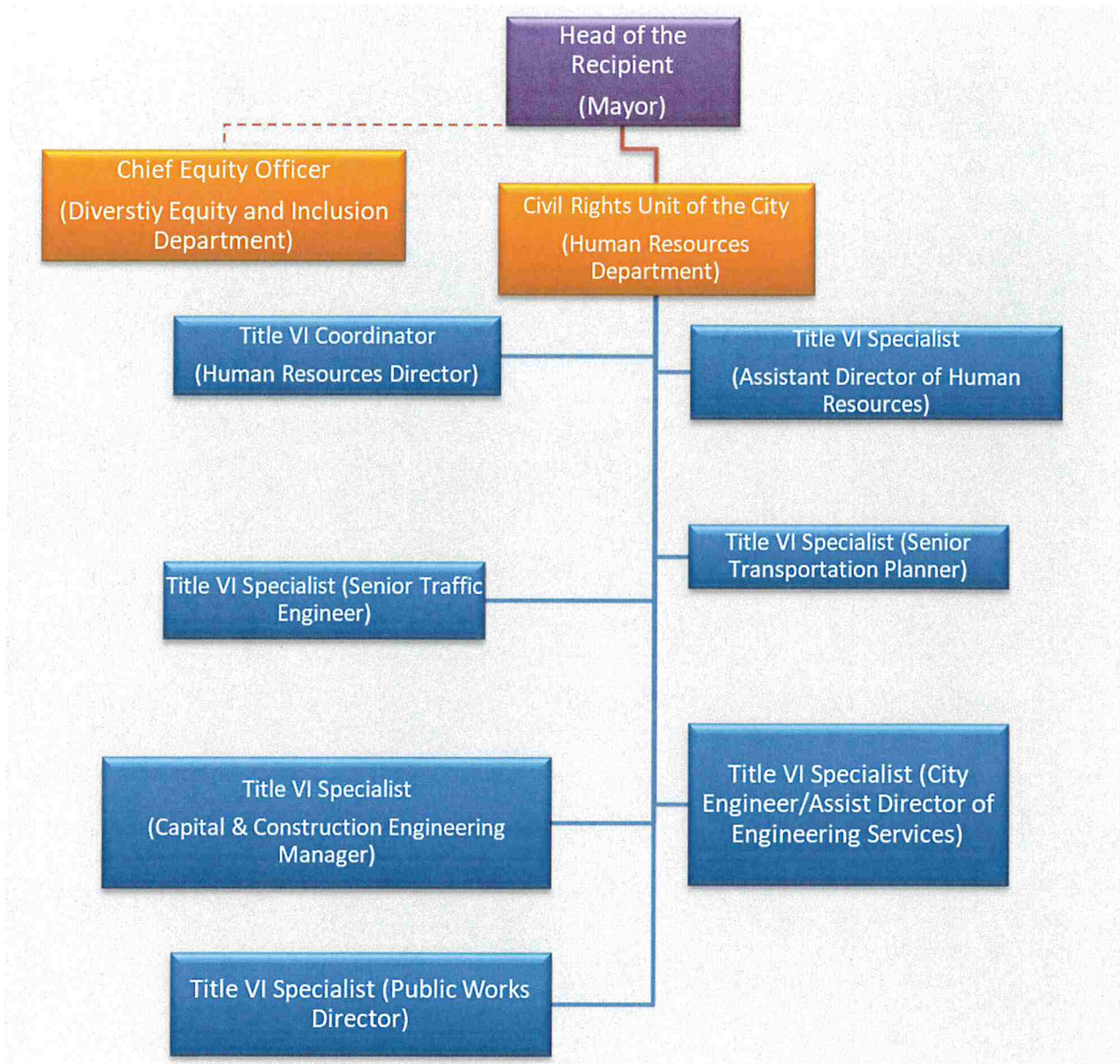
The City has designated Title VI Specialists that work with the Title VI Coordinator to ensure compliance with Title VI regulations.

The Title VI Specialists are responsible for:

- Compiling, preparing, coordinating review, and submittal of a Title VI plan and annual reports on the agency's behalf after review and approval of the plan and reports by the Title VI Coordinator
- Collecting and maintaining data in support of Title VI activities and reports
- Ensuring contractual agreements pertaining to Title VI activities are met
- Ensuring Title VI provisions are up to date and included in contracts
- Helping develop tools and processes to promote Diversity, Equity, and Inclusion (DEI)/Environmental Justice

Organization

The City has established the following organizational chart :



III. Primary Program Area Descriptions & Review Procedures

Title VI Program Areas are listed below with each responsible department. Departments are responsible for designating staff to act as liaisons to Title VI Coordinator and Specialists. The liaisons provide monitoring, data collection, and reporting, as well as dissemination of Title VI program information to their respective departments, groups, and/or teams. While not all departments are listed below, every City department is responsible for adherence to Title VI. For those departments not listed below, the Department's Director or designee will assist with dissemination of Title VI materials to staff and the public.

Human Resources Department

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Title VI Program Coordination	See Section II	See Section II	See Section II
Training	Title VI Staff Training	Ensures all staff are trained at the time of hire on Department Title VI responsibilities and receive on-going training opportunities.	Assistant Director of Human Resources ensures all new hires have introductory Diversity, Equity and Inclusion training and provide resources for additional training and/or suggest additional training opportunities as needed throughout duration of employment for all staff.
Recruitment, Hiring, and Employment Policies	Title VI Compliance – Employment Practices	Ensures non-discrimination in recruitment and hiring practices and promotes diversity in hiring.	Provides training and guidance to hiring managers and reviews recruitment demographics data.

Department of Diversity, Equity, and Inclusion

Program Area	Position(s)	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Diversity, Equity, and Inclusion	Chief Equity Officer	Oversees the development and implementation of City DEI training programs, tools, and other efforts.	Conducts staff surveys, consults with managers, reviews and analyzes demographic data, and manages internal DEI advisory committee.

Public Works Department

Program Area	Position(s)	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way (ROW)	City Engineer	Ensures ROW program is compliant with WSDOT right of way manual, uniform relocation act, and Title VI.	City Engineer is the Program Administrator per the City's approved ROW Procedures who provides Quality Assurance/Quality Control reviews of all projects to ensure compliance with Title VI activities pertaining to Right-of-Way activities.
Transportation Planning	Senior Transportation Planner and Senior Traffic Engineer	Ensures plans and programs address the diverse needs of the community and that improvements to motorized and active transportation facilities are addressed equitably. Ensuring equal opportunity is afforded for individuals to provide feedback and comments on the development of transportation reports,	Senior Transportation Planner and Senior Traffic Engineer encourage participation and provides equal opportunity for feedback during development of transportation planning documents. Tools such as Census data is utilized to evaluate demographic and geographic equity of programs and project. Additional tools are under development.

		programs, and plans.	
Environmental Review and Permitting	Senior Project Engineers and Project Engineers	Ensuring information in environmental reports for capital projects accurately reflect the proposed work activities to be completed and appropriate measures are considered to minimize impacts.	City Engineer provides Quality Assurance/Quality Control reviews of project related environmental reports to ensure compliance with Title VI activities.
Training	Public Works Director	Ensuring all staff are trained at time of hire on Department Title VI responsibilities.	Public Works Director coordinates with hiring managers and human resources to ensure all new hires have introductory Diversity, Equity and Inclusion training and provides resources for additional training and/or suggest additional training opportunities as needed throughout duration of employment for all staff.
Construction	Construction Manager, Senior Project Engineers, and Project Engineers	Ensuring project construction notifications and flyers are provided in alternative languages and documentation is delivered in multiple formats to make sure they reach intended recipients.	City Engineer provides Quality Assurance/Quality Control and reviews of all project documentation related to public outreach of capital projects to ensure compliance with Title VI activities.

IV. Review Procedures

Title VI Review of Sub-Recipients of Federal-Aid Highway Funds

The Transportation Title VI Specialists and the Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Transportation staff will review select recipients of Federal highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VII). The Title VI Coordinator will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Post-Grant Reviews

The Coordinator will collaborate with Transportation 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 VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

Remedial Actions

When irregularities occur in the administration of Federal-aid highway programs at either the City or sub-recipient levels, corrective actions will be taken to resolve identified Title VI issues. The City will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When conducting Title VI compliance reviews, the City will reduce to writing any recommended remedial actions agreed upon by the Transportation staff and sub-recipient and provide a copy of the letter within a period not to exceed 45 days.

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

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

V. Data Collection/Reporting/Analysis

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Capital & Construction	Race and Limited English Proficiency Process for Collecting: Census Data and request information at Public Outreach Events	The data collected helps determine the level of public outreach necessary for a number of activities, including community events, project informational postings, and flyers, construction notices, and public open houses. That information is then used to ensure that every individual in the City has access to vital documents pertaining to City Capital Projects and the information is available in a language they will be able to understand.
Transportation Planning	Race and Limited English Proficiency Process for Collecting: Census data and request information at Public Outreach Events and through the school district	The data collected helps determine the level of public outreach necessary for posting and presenting information related to transportation planning. That information is then used to ensure that every individual in the City has access to transportation planning documents and the documents are translatable in a language they will be able to understand.

VI. Title VI Training

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

The Title VI Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

VII. Title VI Complaint Procedures

The City has Title VI complaint procedures and information posted on the City's website on the Equal Opportunity Employment & Title VI page. Discrimination and Complaint Procedures for the City are as follows:

Title VI / Discrimination Complaint Procedure for City of Auburn

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 to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact the City's Human Resources Department at humanresources@auburnwa.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 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 the City Human Resources Department 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 the City Human Resources Department.

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

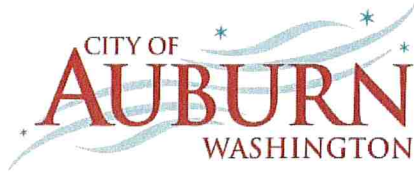
If your complaint is forwarded to another agency, you will be provided the name and contact information of the employee handling your complaint.

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 the City, WSDOT, and FHWA.

VIII. Discrimination / Title VI Complaint Form



Discrimination / Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Human Resources Department at 253-931-3040.

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)	Other (specify) _____
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Date of alleged incident: _____

Who do you believe discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

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

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

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

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

Who _____ When _____
Status (pending, resolved, etc.) _____ Result, if known _____
Complaint number, if known _____
Do you have an attorney in this matter? _____

Name (print) _____
Phone _____ Address _____
City _____ Zip _____

Signature _____ Date _____

IX. Public Participation

The City's process for conducting public outreach can be summarized through responses to the following questions:

Question: How does the City identify minority populations for outreach? (e.g., demographic data, use of community liaisons, etc.)

Response: When planning outreach activities, staff utilize census data along with other information available from other sources to determine where there may be specific needs for historically underserved communities and minority populations. If underserved communities and minority populations are identified within the subject area, staff will research how to best engage those communities to determine specific needs.

Question: How does the City communicate with and conduct outreach to minority populations? (e.g., website, newsletters, public meetings, etc.)

Response: The City utilizes many methods of conducting public outreach and communications to minority populations to receive feedback from those populations. The communications that are employed throughout the lifecycle of a project, maintenance activities, and transportation planning efforts include the following, when applicable:

- General project information is provided on the City's website, which contains a tool to translate content in 140+ languages
- General project information is listed on Capital Project Status Reports presented to City Council and Public quarterly
- General Project Flyer Mailers/Post Cards (this information is also posted to the City's website and is translatable)
- Project featured in Auburn Magazine and website (the magazine article is also posted to the City's website and is translatable)
- Notice of Road Work Flyers (this information is also posted to the City's website and is translatable)
- Project information letters mailed to specific residences and businesses (the information letters include translations in Spanish, Russian, Chinese, and Japanese)
- Project Open Houses/Meetings
- Public Surveys
- Public Comment Opportunity (SEPA)
- Public Hearing(s)
- Social media outreach
- Special Committee/Board Presentations (Transportation Advisory Board, HOA, Churches, Schools)

- Traffic advisories issued during construction
- Message boards for traffic impacts
- Project Information Sign posted during construction with contact information
- Direct Discussion – Door to Door
- Direct Discussion – Phone Calls (City Project Managers have the ability to utilize Voiance language phone line for language assistance, if needed)

Question: How does the City communicate with and conduct outreach to Limited English Proficient individuals?

Response: The City utilizes Census Data along with other information available to evaluate locations within their project vicinities to determine where there may be individuals with language assistance needs. When specific needs are present, Staff have many tools available to them for reaching these individuals, including the ability to utilize Voiance language phone line for language assistance, or a translation service for documents if needed.

Nevertheless, all project or specific subject area related communications that are mailed or distributed to the public in paper format include a specific statement written in Spanish, Russian, Chinese, and Japanese indicating where the information that is presented on the flyer can be viewed in those languages. These mailers, flyers, and postcards are then posted to the City's website in a format that is able to be translated using the google translation tool. Public Outreach documents identified in the question above list specific documents that have translatable components to them.

Some transportation planning efforts will impact the City as a whole, while specific programs or projects may target smaller areas in the City. Staff will work on ensuring that all impacted residents can have access to information, and can participate in the planning process, regardless of English language proficiency. Staff seek to improve community outreach efforts to encourage minority groups to participate.

Question: Explain how the City considers input from minority populations for decision making within its pertinent program areas.

Response: The communications discussed in the questions above encourage participation from all individuals, including minority populations who are impacted by the project improvements. When project activities have potential impacts or have project elements that may be of special interest to tribal communities, the City meets with the tribe to discuss the project and potential impacts in advance of any environmental permitting applications to address concerns.

Ensuring that minority populations receive the information related to plans, programs, and projects, and are invited to participate ensures that they have a voice, and their input can be considered along with input from others who participate.

X. Limited English Proficiency (Records and Documents)

Vital project records are project informational documents that need to be mailed. This decision is based on the fact that project informational documents that are mailed, are perceived to directly impact, or at the very least indirectly impact, the individuals the documents are being mailed to. For example, Notice of Road Work Flyers directly impact a resident and so these are typically mailed or hand delivered.

Staff utilize Census Data to determine which languages meet the EPA's threshold for translated materials, which is 5%. All project related communications that are mailed or distributed to the public in paper format include a specific statement written in Spanish, Russian, Chinese, and Japanese indicating where the information that is presented on the flyer can be viewed in those languages. These mailers, flyers, and postcards are then posted to the City's website in a format that can be translated using the google translation tool.

Larger documents such as long-range plans can be translated into other languages upon request. A lot of information is provided on the City's website, which contains a tool that will translate the content into more than 140 languages.

XI. Environmental Justice

Diversity, Equity and Inclusion

Environmental justice at the City is centered around its focused efforts towards Diversity, Equity, and Inclusion (DEI). On July 15, 2019, the Auburn City Council soundly approved the Inclusive Auburn Initiative via Resolution No. 5427 to accomplish the following goals:

- Eliminate systemic causes of disparities, racial and otherwise, in the City
- Promote inclusion and create opportunities for full participation for every resident and business in the City
- Reduce, and eventually eliminate, disparities of outcomes in our community

In order to reach these goals, the City has outlined two phases to lay a strong foundation for further DEI initiatives.

Phase One of the Inclusive Auburn Initiative is focused on providing professional development to the City's senior leadership team and City Council. During this phase, we created a City-wide Equity and Inclusion Team that will help support these efforts.

Phase Two of this crucial work involves professional development for managers and staff. This work includes reaching out to staff for feedback. The data that is collected is central in ensuring that we are providing our team with the right training and solutions to reach our goals.

Additional phases will be implemented that continue to progressing towards the DEI program goals.

Environmental Justice Programming Tools

The City incorporates environmental justice into planning and programming of projects and services through the following:

- Reaching out to hear input, provide information, and create relationships with individuals and groups that may have been historically underserved, disadvantaged, or otherwise excluded from participation and communication.
- Utilizing Geographic Information Systems to view demographic information alongside past and planned projects, infrastructure, and other data.
- Developing methods and approaches for encouraging inclusion and promoting equity based specific to the particular planning or programming activities.

Environmental Justice in Projects

Many City projects include federal funds and therefore run through the National Environmental Policy Act (NEPA) process. The NEPA process provides a framework for determining the potential environmental effects of a project and how those impacts may or may not disproportionately impact low-income, minority, and rural communities. The specific approaches towards NEPA depend on the source of federal funds and the particular proposed project activities. When working through the NEPA process for transportation projects with Federal Highway Administration (FHWA) funds, the City's Public Works team works closely with the Washington State Department of Transportation's (WSDOT's) Local Programs group and utilizes the Local Agency Guidelines (LAG) Manual. Other federal funding sources include the Federal Emergency Management Agency (FEMA), The U.S Department of Housing and Urban Development (HUD), and others.

The State Environmental Protection Act (SEPA) process is followed to identify and analyze the impacts of projects and other City activities. Projects with federal funds work through both the NEPA and SEPA process. Projects without federal funds work only through the SEPA process. The SEPA process includes environmental justice considerations.

Outside the formal NEPA and SEPA processes, City project managers conduct informal environmental Justice reviews of projects to assure information is presented fairly to everyone and that there isn't a disproportionately high degree of impacts to minority and/or low-income populations. The City will continue working to develop, improve, and implement these measures and will incorporate DEI tools into these processes.

XII. Notice of Title VI Rights

The City has Title VI information posted on the City's website on the Equal Opportunity Employment & Title VI page. The following notice is posted on this webpage:

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

The City of Auburn 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 the City of Auburn. Any such complaint should be filed with the City of Auburn Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained directly from the City of Auburn's website (www.auburnwa.gov) or from the City of Auburn Human Resources office at no cost to the complainant (see contact information below).

To file a Title VI discrimination complaint, contact:

Candis Martinson, Human Resources Director
City of Auburn
25 West Main Street
Auburn, WA 98001
Phone: 253-931-3040
Email: humanresources@auburnwa.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

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

Assurances

DOT Order No. 1050.2A

The **City of Auburn** (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 Auburn**, 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."


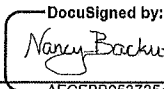
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting 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 Auburn** 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 Auburn** 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 Auburn**. You must keep records, reports, and submit the material for review upon request to **City of Auburn**, 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 Auburn 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 Auburn
(Name of Recipient)

by  

AECEBB9537354C0
(Signature of Authorized Official)

DATED 10/6/2022

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 Auburn** 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 **City of Auburn** 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 Auburn** 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 Auburn**, its successors and assigns.

The **City of Auburn**, 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 Auburn** 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 Auburn** 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 Auburn** 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 Auburn** 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 Auburn** 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 Auburn** 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 Auburn** 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 Auburn** will there upon revert to and vest in and become the absolute property of **City of Auburn** 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).