



Clallam County Department of Public Works

Title VI Plan

April 1, 2025

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I. Title VI Policy Statement

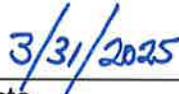
It is the policy of Clallam County Department of Public Works that no person shall on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Clallam County Department of Public Works as provided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

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

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: 
County Administrator; Todd Mielke


Date

II. Organization, Staffing, and Structure

The County Engineer is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all LPA employees, contractors, and agents pursuant to 49 CFR Part 21.

The Administrative Operations Manager is responsive to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of Administrative Operations Manager is located within Clallam County Public Works.

The Title VI Coordinator is responsible for:

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

SEE APPENDIX I FOR ORGANIZATIONAL CHART

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 Clallam County Department of Public Works' compliance with Title VI requirements as follows:

Planning:

General Description

The Public Works Department is responsible for providing long-range planning program development and capital programming necessary to provide efficient transportation services. Each year the department updates its Six-Year Transportation Improvement Program (6-Year TIP), which is then adopted by the fall following a public hearing. The update informs other departments and neighboring jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various county departments, local jurisdictions, organizations, citizen groups, Tribes, and private individuals. Public hearings, open houses and work sessions are held prior to bringing the document to the Board of County Commissioners. The 6-Year TIP is guided by the Transportation Element of the adopted Comprehensive Plan.

Title VI/Nondiscrimination Concerns and Responsibilities

The Public Works Department is responsible for ensuring that transportation planning address the diverse needs of the community and that improvements to motorized and active transportation facilities are addressed equitably. The department is responsible for ensuring equal opportunity is provided for individuals to give feedback on the development of transportation reports, programs, and plans.

Consultant contracts for professional services are publicly advertised on the Clallam County Public Works Department website, the local newspaper of record, the Peninsula Daily News and through other publications if applicable. It is the policy of Clallam County Public Works to comply with Title 49 Code of Federal Regulations (CF) Part 26 to ensure that Disadvantaged Business Enterprises, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. The department does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin.

The assessments completed in the project design phase provide a comprehensive summary of the demographic and environmental data elements to be considered for the specific transportation project. The department is responsible for ensuring that project design addresses the diverse needs of the community and that improvements to motorized and active transportation facilities are addressed equitably. As part of this process, the Clallam County Engineer collaborates with local, state and federal agencies and the public to address project design and transportation improvements.

Review Procedures for Ensuring Nondiscrimination

The Public Works Department utilize several tools to evaluate demographic and geographic equity of project planning activities including census data incorporated into GIS maps (including Limited English Proficiency (LEP) population, racial diversity, and median family income. The County Engineer frequently reviews and improves upon its outreach efforts to ensure it reaches as many people as possible. Gathering demographics data is done by using the U.S. Census Bureau information.

Design:**General Description**

The Public Works Department utilizes the Requests for Qualifications (RFQ) process to ensure competitive selection of qualified consultant firms. The Project Engineer administers transportation related contracts and ensures compliance with contract provisions, including Disadvantaged Business Enterprise (DBE) goals. The Engineer has primary responsibility for managing the project design contract including monitoring consultant and sub-consultant activities to ensure nondiscrimination throughout all phases of design and construction management.

The Public Works Department is responsible for the Transportation Improvement Program (6-Year TIP) planning and design including environmental permitting for transportation projects and evaluating demographic data to determine any impacts of a project. Individual studies are performed to assess various environmental factors as they relate to the specific project. Depending on the scope, complexity and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.

Title VI/Nondiscrimination Concerns and Responsibilities

Consultant contracts for professional services are publicly advertised on the Clallam County Public Works Department website, the local newspaper of record, the Peninsula Daily News, and through other publications if applicable. It is the policy of Clallam County Public Works to comply with Title 49 Code of Federal Regulations (CFR) Part 26 to ensure that Disadvantaged Business Enterprises (DBE), including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. The department does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin.

The assessments completed in the project design phase provide a comprehensive summary of the demographic and environmental data elements to be considered for the specific transportation project. The department is responsible for ensuring that project design addresses the diverse needs of the community and that improvements to motorized and active transportation facilities are addressed equitably. As part of this process, the Clallam County Engineer collaborates with local, state and federal agencies and the public to address project design and transportation improvements.

Review Procedures for Ensuring Nondiscrimination

The Project Engineer has primary oversight responsibility for project design. The Project Engineer reviews all transportation design activities in consultation with the Title VI Coordinator to ensure compliance with Title VI. The Project Engineer in consultation with the Title VI Coordinator, will monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments (EIS/EA). The ADA/Title VI Coordinator will review the NEPA EIS/EA to ensure adequate consideration and mitigation of any prospective federal civil rights impacts. The Engineer maintains data regarding selection of minority and female consultants for project design and/or construction management work.

Right-of-Way:**General Description**

The Public Works Department Right-of-Way Agent is responsible for managing and coordinating the appraisal and acquisition of real property and relocation assistance services for infrastructure projects. The right-of-way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and other duties as required. The Right-of-Way Division ensures equal opportunity in all aspects of procuring real estate consultant services. All right-of-way

activities are conducted in accordance with WSDOT LAG Manual Chapter 25.

Title VI/Nondiscrimination Concerns and Responsibilities

The Right-of-Way Division follows the guidelines in the Washington State Department of Transportation (WSDOT) LAG Manual for property acquisition as well as applicable laws and regulations, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The department pays just compensation (fair market value) for acquisition of real property rights needed for project construction and provides equitable treatment of property owners in the appraisal and negotiation process.

The right-of-way staff provides copies of relocation assistance literature produced by WSDOT to all affected parties and works with the county's Legal Department on the preparation of deeds, licenses, and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances. Translation services are provided upon request.

Review Procedures for Ensuring Nondiscrimination

The Public Works Department is responsible for right-of-way acquisition, and ensures compliance with Title VI

Construction:

General Description

The Public Works Department awards public works projects through a competitive bidding process, recommends award of construction contracts based on lowest responsive/responsible bidder and assists with award and execution of contract. The Title VI Coordinator administers transportation related public works contracts and ensures compliance with contract provisions, including Disadvantaged Business Enterprise (DBE) goals when required. The Project Engineer has primary responsibility for managing the project contract including monitoring all construction activities to ensure nondiscrimination throughout all phases of construction.

Title VI/Nondiscrimination Concerns and Responsibilities

The Title VI Coordinator reviews and includes required Title VI language in bid packages, advertisements, and award letters. The Project Engineer is responsible for identifying federal funding requirements and will include applicable DBE goals in designated projects. Contractors are encouraged to proactively achieve DBE goals established for construction projects and the Project Engineer tracks contractor and sub-contractor progress, DBE status and assigned contract dollar amount. The Project Engineer verifies that prime contractors with DBE requirements award subcontracted work to qualified DBE subcontractors, to the extent required.

Bid documents for construction are publicly advertised on the Clallam County Public Works Department website, in the local newspaper, and through other publications if applicable. It is policy of the department to comply with Title 49 Code of Federal Regulations (CFR) Part 26 to ensure that DBE, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. The department does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin. All federal construction contracts and all bid packages have appropriate language, goal setting programs and monitoring to address the use of minority firms in capital construction. Engineers review information submitted into the Diversity Management and Compliance System (DMCS) through Local Programs on all federally funded projects.

Review Procedures for Ensuring Nondiscrimination

The County Engineer has primary oversight responsibility of construction activities. The Engineer collaborates with the Title VI Coordinator and the Legal Department to periodically review legal updates to documents and contracts to ensure compliance with Title VI

requirements for contract language. The Engineers provides detailed construction updates to the Title VI Coordinator on an ongoing basis, including project name, contract value, type of service, contractor and sub-contractor names, DBE designation and funding source.

IV. Review Procedures

The County Engineer assures that every effort will be made to ensure nondiscrimination in all programs and activities whether those programs are federally funded or not. The Public Works Department continues to review and monitor requirements through regular internal protocols which include, but are not limited to, bid evaluations, progress meetings with contractors and consultants, and project submittals.

A. Consultants and Contractors - Specifications defining Title VI requirements based on USDOT 1050.2 are included in the contract documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the contractor. Goals are established for the participation of DBE, when applicable. After contract execution, the contractor is responsible for reporting requirements outlined in the contract, and adherence to all affirmative action and non-discrimination provisions for itself and its subcontractors. For consultant contracts, the -Project Engineer utilizes the Diversity Management and Compliance System (DMCS) for tracking DBE participation. DMCS requires contractors and subcontractors to report payments monthly for tracking participation percentages for certified firms. The Project Engineers routinely review the database and track compliance following contract execution.

B. Subrecipients - The Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Public Works staff will review select recipients or subrecipients of federal highway or other federal funds, to ensure adherence to Title VI requirements. The Title VI Coordinator will work cooperatively with the subrecipients to periodically confirm operation guidelines provided to consultants, contractors and subrecipients, including Title VI language, provisions, and related requirements, as applicable.

C. Remedial Actions - When irregularities occur in the administration of federal-aid highway programs at either the recipient or subrecipient levels, corrective actions will be taken to resolve identified Title VI issues. The County Engineer will seek the cooperation of the consultant, contractor or other subrecipient in correcting deficiencies found during periodic reviews. The Engineering staff and/or Title VI Coordinator will provide technical assistance and guidance, upon request, to support voluntary compliance by the subrecipient. The Title VI Coordinator will perform compliance reviews and write any recommended remedial actions agreed upon by designated Public Works staff and subrecipient and provide a copy of the letter to WSDOT Local Programs within a period not to exceed 45 days. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a subrecipient or recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the County Engineer will submit to WSDOT copies of the case file and a recommendation that the subrecipient be found in noncompliance.

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

V. Data Collection/Reporting/Analysis

All printed and electronic communications are written in plain, reader-friendly English, and include information on how to access the materials in alternative formats or different languages. When requested, every effort will be made to translate outreach materials into the appropriate

languages. US Census Bureau data is used to collect demographics data.

VI. Title VI Training

In keeping with adopted Clallam County Department of 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.

The Title VI Coordinator is responsible for overall Title VI related training and staff development. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. This will be an in-person meeting held at the Clallam County Department of Public Works building and will also be available to meet virtually. WSDOT's Office of Equity and Civil Rights may be asked to provide applicable training.

VII. Title VI Complaint Procedures

Discrimination Complaint Procedure for Clallam County Department of Public Works

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

Complaints related to the Federal-aid programs may be filed with Clallam County Department of Public Works and will be forwarded promptly or within five days to the Washington State Department of Transportation's Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, please contact the Clallam County Department of Public Works' Title VI Coordinator. **See Section XII for contact information.**

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

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact the Clallam County Department of Public Works' Title VI Coordinator, if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the Clallam County Department of Public Works' Title VI Coordinator.

Complaints should be in writing, signed, and may be filed by mail, in person, or e-mail. If a complainant must be made by telephone; contact the Clallam County Department of Public Works' Title VI Coordinator, 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.

Clallam County Department of Public Works then forwards complaints to WSDOT's Office of Equity and Civil Rights for processing by FHWA. [WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint.] FHWA is responsible for all determinations regarding whether to accept, dismiss, assess, or transfer the complaint and finding no violation or failure to comply.

Complainants have the right to file a complaint directly with the federal funding agency. The following address is where Title VI complaints may be filed directly with the Federal Highway Administration (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 with the name and contact information of the employee handling your complaint.

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

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

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

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

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

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

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter? _____

Name (print) _____

Phone _____ Address _____

City _____ Zip _____

Signed _____ Date _____

IX. Public Participation

Public hearings, meetings, and all project engagement opportunities are publicized (websites, local newspaper publications, and written correspondence when applicable) to residents. The current U.S. Census shows the population of non-English language proficient people, in Clallam County, Spanish 0.9%. The optional Title VI Public Involvement Form will be available during public hearings and meetings.

X. Limited English Proficiency

Clallam County's LEP population (see table below) does not meet required thresholds to provide LEP services such as translations and interpreters. However, in a good faith effort, in order to provide meaningful communication for those with Limited English Proficiency (LEP), Clallam County Department of Public Works will provide electronically translated documents upon request, and provide translated written correspondence when necessary.

The four factors analysis considers the following:

1) **The number or proportion of persons eligible in Clallam County who may be served or likely to encounter an Clallam County Department of Public Works transportation related program, activity, or service;**

Clallam County Department of Public Works examined US Census Data from the American Community Survey and was able to determine, as stated in the table below, the approximate amount of people spoke a language other than English with Limited English Proficiency. As shown in the below table, the number or proportion of persons who may be served or likely to encounter a Clallam County Department of Public Works transportation related program, activity or service with Limited English Proficiency is very low.

Limited English Proficiency by Language (LEP):	(population)	
Spanish	0.98%	725
Asian and Pacific Island Languages	.18%	132
Vietnamese	0%	33
Chinese	0%	57
German or Other West Germanic Languages	0%	56
Tagalog	0.12%	92
Russian, Polish, or Other Slavic Languages	0%	59
Other Indo-European Languages	0%	55
Arabic	0%	0
Other and Unspecified Languages	0%	41

2) **The frequency with which individuals come in contact with Clallam County Department of Public Works transportation related services;**

Despite the fact that Clallam County Department of Public Works fully complies with all applicable federal transportation funds and state public notice requirements, active involvement in the transportation planning process on the part of the general public is fairly small. Open houses for public comments on projects provide the most opportunity for contact with potential LEP populations. Clallam County Department of Public Works assesses the frequency at which staff have or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying engineering staff. Clallam County Department of Public Works has not had a request for telephone interpretation and no requests for translated documents; however, we have the capability and are prepared to electronically translate documents in Spanish or in another language by request in order to provide meaningful communication.

3) The nature and importance of the program, activity or service provided by Clallam County Department of Public Works to the LEP population;

Clallam County Department of Public Works collaborates with local entities and incorporates comments from the public when making decisions regarding investing in transportation projects and to ensure that mobility needs of various underserved populations are being met, including the LEP population. All of the planning initiatives may impact LEP populations in the county, either directly or indirectly. Clallam County Department of Public Works programs include repair, maintenance and/or improvements of roads, which are prioritized on need. Programs, activities and services provided are provided to all community members equally regardless of language spoken in any community. There is no large geographic concentration of any one type of LEP individuals within County jurisdiction.

4) The resources available and overall costs

Due to the County's very low LEP population and lack of requests for language assistance, Clallam County will use electronic translation resources, or language assistance resources as needed through the Washington State Department of Enterprise Services related to certified language services such as translators and interpreters. Clallam County Department of Public Works is committed to providing translation services on request to any LEP populations identified in the county.

XI. Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Clallam County Department of Public Works strives to provide the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn and work. The County Engineer coordinates with local community members, local government agencies and transportation authorities regarding transportation related projects.

As individual capital projects are authorized and initiated, a project review process is initiated early in the project preliminary design phase. Early and ongoing project review is undertaken of the project stakeholders, constituent interests and demographic information obtained by the US Census data. As the project evolves, staff communicates with the road users being served by the project.

To incorporate Environmental Justice principles, staff ensures the principles of Environmental Justice are held by mitigating, avoiding, or minimizing disproportionately high and adverse human health and environmental impacts, including social and economic effects, on minority or low-income populations. Documents are completed and submitted for NEPA where required.

Example of Environmental Justice

Engineering staff provides Environmental Justice reports and Title VI reports for federally funded projects. These reports typically cover the following areas:

- Project Description;
- Affected Environment (including demographics of local community members affected);
- Public Outreach;
- Project Effects; and
- Determination.

For projects, the Engineering staff considers environmental justice impacts and how it can effectively communicate and ensure full and fair participation of all potentially affected

communities. As the Title VI Coordinator will establish guidelines and practices to communicate projects and programs in ways that are meaningful to various cultural groups, bridge cultural and economic differences that affect participation, use communication techniques that enable people to interact, and increase participation by underrepresented groups.

XII. Notice of Title VI Rights

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

Clallam County Department of 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 Clallam County Department of Public Works. Any such complaint filed with the Clallam County Department of 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 Clallam County Department of Public Works office at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Administrative Operations Manager
Clallam County Department of Public Works
223 E 4th St
Port Angeles, WA 98362
Web_roads@clallamcountywa.gov
Phone: 360-417-2319

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

APPENDIX I:

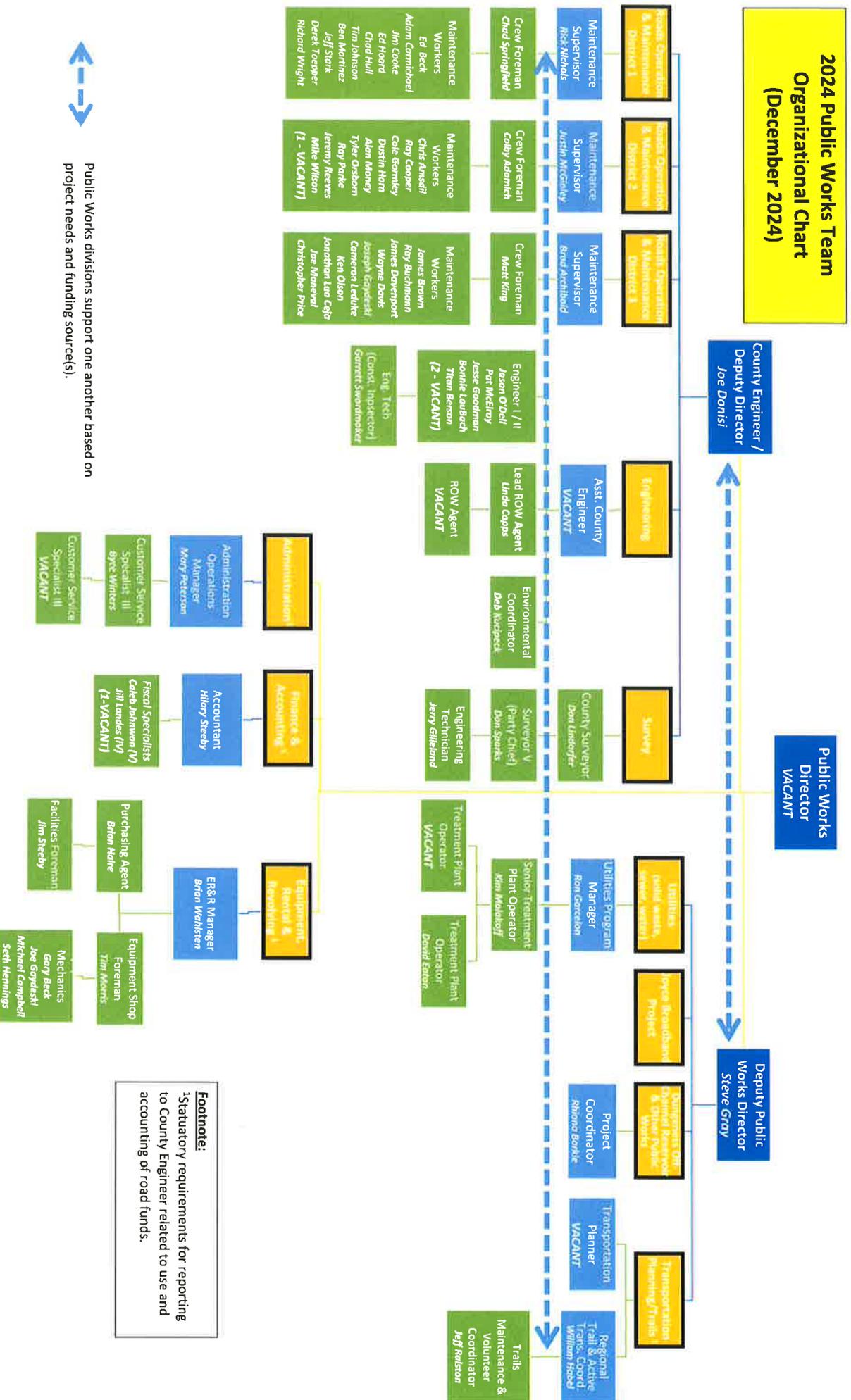
Clallam County Public Works Organizational Chart

APPENDIX II:

USDOT 1050.2A, Standard Assurances with Appendices

Appendix I

2024 Public Works Team Organizational Chart (December 2024)



Footnote:
 1: Statutory requirements for reporting to County Engineer related to use and accounting of road funds.

Public Works divisions support one another based on project needs and funding source(s).

Appendix II

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

Assurances

DOT Order No. 1050.2A

The Clallam County Public Works (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 Clallam County Public Works, 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, Clallam County Public Works 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 Washington State Department of Transportation 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 Washington State Department of Transportation. You must keep records, reports, and submit the material for review upon request to Washington State Department of Transportation, 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.

Clallam County Public Works 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.

Clallam County Public Works
(Name of Recipient)

by *John Muelhe* COUNTY ADMINISTRATOR
(Signature of Authorized Official)

DATED *2/13/2025*

Approved as to form only by:

Jay Reno
 Jay Reno
 Civil Deputy Prosecuting Attorney
 Clallam County

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 Clallam County Public Works 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 Clallam County Public Works 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 Clallam County Public Works 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 Clallam County Public Works, its successors and assigns.

The Clallam County Public Works, 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 Clallam County 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 Clallam County Public Works 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, Clallam County Public Works 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 Clallam County Public Works 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 Clallam County Public Works 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 Clallam County Public Works 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, Clallam County Public Works 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, Clallam County Public Works will there upon revert to and vest in and become the absolute property of Clallam County Public Works 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).