



Letter of Intent to Comply with WSDOT Title VI Plan

In lieu of adopting a Title VI Plan, the (City of Poulsbo) agrees to comply with the WSDOT Title VI Plan.

The (City of Poulsbo) assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The (City of Poulsbo) further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988).

In the event the (City of Poulsbo) distributes federal aid funds to a sub-recipient, the (City of Poulsbo) will include Title VI language in all written agreements and will monitor for compliance.

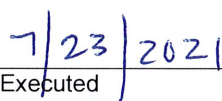
The (City of Poulsbo) is responsible for initiating and monitoring Title VI activities, collecting data, preparing reports (including Appendix 28.93) and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation, WSDOT Title VI Plan, and the WSDOT Local Area Guidelines manual.



Signature



Title



Date Executed

Required Attachment: signed, unaltered USDOT1050.2a, Standard Title VI Assurances



TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: Refer to Section 28.3 for scheduled reporting period and due date

Contact Information

Name and title of administrator (signature on Standard Assurances): Rebecca Erickson, Mayor

Mailing Address: 200 NE Moe Street

City: Poulsbo WA Zip Code:98370 County: Kitsap
Phone #: 360-394-3901 email address: berickson@cityofpoulsbo.com

Name and title of head of transportation-related services: Diane Lenius, PE, Director of Engineering

Mailing Address: 200 NE Moe Street

City: Poulsbo WA Zip Code: 98370 County: Kitsap
Phone #: 360-394-9750 email address: dlenius@cityofpoulsbo.com

Name and title of designated Title VI coordinator*: Deanna Kingery, Human Resources

Mailing Address: 200 NE Moe Street

City: Poulsbo WA Zip Code: 98370 County: Kitsap
Phone #: 360-394-9705 email address:

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

Accomplishments

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If Yes, please submit an update to the Title VI Plan with a new signature.
2. Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual. Include the same details if your LPA has a volunteer or appointed board related to transportation decision making.

Title VI staff chart is attached with this report and hasn't changed since 2014. Mayor Erickson is administrative head, City Title VI Coordinator is Deanna Kingery, Human Resources. Diane Lenius, PE is Director of Engineering leading all transportation staff. Michael Bateman is transportation Title VI Liaison. All staff personnel are white, US citizenship.

3. Community Demographics – Using a map of the LPA's boundaries, describe the demographics of the LPA's service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.

2010 CENSUS with most recent available 2019 American Community Survey (ACS) estimates – see attached tables:

Population: 11,168

Race:

81.9% White, 1.0% African American, 0.3% American Indian or Alaska Native, 0.6% Native Hawaiian and other Pacific Islander, 5.0% Asian, 10.8% Hispanic

Limited English Proficiency:

(LEP – 2017 ACS 5-year estimates – most recent available for Poulsbo City and Kitsap County - see attached tables):

All Households: 1.3% (note reduction from 1.7% in 2016 and 3.8% in 2015)

1.3% Spanish, 0% Other Indo-European, 0% Asian and Pacific Islander, 0% Other Languages

All Citizens in Population: 3.7% (note reduction from 5.3% in 2016 and 6.7% in 2015)

2.6% Spanish, 0.2% Other Indo-European, 0.5% Asian and Pacific Islander, 0.3% Other Languages

Updated LEP data has been difficult to find with elimination of American FactFinder, but appears to be trending down in Poulsbo as noted above. Updated demographic data in general was difficult to find this year with the 2020 Census data being not yet available. As noted in the 2020 report Kitsap County demographics and trends were studied to ensure that citizens outside but nearby Poulsbo City Limits are not being under served.

As noted below, the municipal court systems in Kitsap County have a well developed Language Assistance Program. For that program in addition to ACS data, actual language needs utilized in the court system were assessed. While that data is more countywide and specific to the population navigating the court system, the language needs show Spanish to be the primary language service need, followed by Mam, Chuukase, Tagalog and Korean. This appears to be reasonably consistent with the currently available population and LEP data for Poulsbo and the surrounding area.

Limited English Proficiency Services:

The City provides Spanish translated notification on all published notifications, meeting agendas, etc as noted in this report. The City has ISpeak cards at all service counters with staff attaining training accordingly. Staff has translation services available when needed/requested.

The City continues to proactively work to ensure that the City's LEP population is properly served.

In addition to the general language accommodation noted above, the municipal court systems in Kitsap County (Bainbridge Island, Bremerton, Port Orchard and Poulsbo) have cooperated to develop a robust Language Assistance Program (LAP) for Limited English Proficient community members navigating the court system. The resources developed in this LAP for language assistance are available to other departments needing language services. This LAP is attached with this report and made available on the City's website.

No transportation related language services were requested during this reporting period.

4. Complaints – Provide a copy of the LPA's Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

No complaints received during this reporting period, none outstanding or pending from previous reporting periods.

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

As part of drafting the City's ADA Transition Plan, an interactive survey was created online to encourage citizens to identify areas of concern. The City reached out to citizens via monthly newsletter, Facebook and a notice on Utility Bills. The City issued a request for proposals for Complete Streets Plan, currently reviewing proposals. General outreach to public via council meetings, etc. does occur as below in #10:

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

The City had no Right of Way activities for this reporting period.

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

The City executed a contract Supplement with Parametrix which included Right of Way Acquisition Services. The sub-consultant who will be performing these services is Tierra who is a certified MWBE. Their work will begin in the next reporting period.

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

ADA transition plan under development – currently in self-discovery phase. Next phase will develop recommendations for improvements and will include EJ population and location in ranking process.

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects' benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.

- **Johnson Parkway/SR 305 Roundabout**
- **2020 Pavement Maintenance**
- **Fjord Drive One-Way**

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

Identify members of the LPA's transportation planning and/or advisory groups by race, color, and national origin

Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

Three times per month City Council Meetings, twice per month Planning Commission Meetings, more than four different Council Committee Meetings per month, and numerous Project Meetings and Public Hearings all noticed for Public involvement.

Public notices for meetings and hearings include Title VI/ADA clause and the secondary Spanish notification indicated below.

All meetings and hearings are held at Poulsbo City Hall, an accessible facility. Times are chosen to maximize the opportunity for public input as much as possible. City Council committee meetings are held at times between 3:30pm and 5pm, City Council and Planning Commission meetings are held at 7pm. Public outreach meetings are held after work hours to maximize public input – typically 6pm. Development permit related public hearings before the City’s hearing examiner are held during work hours due to availability of City’s contract hearing examiner.

All City Council, Council Committee and Planning Commission meetings as well as public hearings are audio recorded and recordings are available to the public. City Council meetings are streamed live online during the meeting, and video recordings are available on the City website following the meeting.

In order to comply with Governor Inslee’s Stay Home, Stay Healthy order during the Covid-19 crisis public meetings and hearings have been temporarily changed to virtual meetings compliant with the order and subsequent declarations. Public notification of the meetings includes information on how to attend with call in number and meeting ID or how to give written public input prior to the meeting. Written input will be received via email, letter or accepted in the City drop box. Written input received prior to the meeting is read into the record at the meeting. Citizens may also call the Clerk’s office and provide oral comment to be transcribed and entered into the record in the public meeting. Starting May 20, 2020 citizen comment have been accommodated during the online meeting as well. To date no special accommodation requests or complaints have been received regarding these virtual meetings.

Special language services are provided in response to citizen requests. No requests for language or translation services were received in this reporting period.

Updated Title VI language contract language per WSDOT guidance.

Spanish Statement below included in all published agendas, notifications, etc:

“Para solicitar un formato alternativo de la agenda impresa, comuníquese con la oficina del City Clerk al 360.394.9880.”

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

Consultant contracts during this period were awarded from the City’s on-call consultant roster. The on-call consultant contracts were advertised with an RFQ in the City’s official newspaper. The RFQ’s were assessed by a panel and finally interviews were conducted with the highest ranked

consultants. Based on qualifications, the award of consultant contracts was chosen for the highest ranked firms.

Construction contracts were advertised for a 3-week period in the City’s official newspaper and sealed bids were accepted and then opened publicly via Zoom meeting. Bids were tabulated, bid proposals reviewed for completeness and contract was awarded to the lowest bidder.

- Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

The City advertised the Johnson Parkway project on the OMWBE website to encourage bids from DBE contractors. The City was assigned a mandatory 7% DBE goal on this project and incorporated DBE requirements in the projects’ contract documents. The City monitors DCMS to ensure DBE (COA or voluntary) subcontractors are paid promptly. DBE compliance requirements were reviewed during the project pre-construction meeting.

Title VI language used in public works projects is:

2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

The City was notified by WSDOT on 7/7/2021 of revised Title VI language. The City will use this revised language going forward on all public works projects.

- List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

Consultant/Contractor	Project	Amount	Funding	DBE
Parametrix Inc	Noll Road Improvements - Supplement #13 - Design/ROW	\$755,033.87	City – Design STP - ROW	No

Parametrix Inc	Poulsbo Waterfront Survey	\$19,593.00	City	No
Parametrix Inc	South Fork Dogfish Creek Bridge Inspection	\$5,226.53	City	No
Parametrix Inc	Fjord Drive Traffic Circulation Study	\$12,500.00	City	No
ACI	Johnson Parkway/SR305 Roundabout	\$15,323,323	STP, Connecting Washington, TIB, City	DBE Goal = 7%
Sierra Santa Fe	2020 Pavement Maintenance	\$117,901.95	City	No
City of Poulsbo Public Works	Fjord Drive One-Way	\$57,878.58	CARES	No

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

Two staff members (Michael Bateman and April Zieman) attended the 2021 virtual Title VI training. Title VI outreach and refresher training anticipated for wider City staff in 2021.

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

Title VI improvement activities were very limited during Covid crisis restrictions. This year's goal includes bringing back a more active Title VI program and widen the exposure and knowledge citywide of Title VI requirements and responsibilities. Goals include:

- **Improve Title VI training for employees citywide, particularly with staff that are providing counter services to the general public, including refresher training regarding ISpeak and language services available to staff and citizens through the court system's Language Assistance Program.**
- **Edit City's purchasing manual to highlight need for required Title VI language in both advertisements and contracts.**
- **Develop EJ population mapping for the limited EJ populations in Poulsbo (probably in conjunction with development of ADA transition plan mentioned above).**

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

DOT Order No. 1050.2A

The City of Poulsbo (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 programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all the Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Poulsbo, 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, The City of Poulsbo 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 Poulsbo 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 Poulsbo. You must keep records, reports, and submit the material for review upon request to the City of Poulsbo 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.

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

City of Poulsbo

(Name of Recipient)

by 
Rebecca Erickson, Mayor, City of Poulsbo

DATED 7/23/2021

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 Poulsbo 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 programs, and the policies and procedures prescribed by the Washington State Department of Transportation 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 Poulsbo 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 the City of Poulsbo 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 Poulsbo, its successors and assigns.

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

From: [Gleue, Gretchen](#)
To: [Becky Erickson](#)
Cc: [Michael J. Bateman](#); [Diane K. Lenius](#)
Subject: SFY21 Title VI report
Date: Thursday, September 30, 2021 9:48:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[Title VI Annual Report Poulsbo 2021.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WSDOT-OEO approves the SFY2021 Title VI report for the Poulsbo. Both the plan and annual report are public documents and should be accessible on your website.

The next annual report (period ending June 30) will be due August 1, 2022. The Plan requires an update when there are changes to leadership (signatory authority) or a reorganization/revision of Title VI duties.

- Q#5 & 10: Adapting from in-person meetings to virtual has taken effort nationwide, but neither USDOJ nor USDOT/FHWA dropped the requirement of public engagement and comparing the attendance to populations served. No matter the method used for public engagement, we are all still required to document engagement to ensure there's no imbalanced impact so don't forget to document public involvement and compare the attendance to the population served. Perhaps show a slide at the beginning and end of meeting with the link to the Public Involvement form.

Nationally, we are all coming up with creative, innovative ways to engage diverse populations during a pandemic. Building relations with the communities and the responsibility to reach out to keep them engaged still applies. During a webinar, sponsored by a [Michigan State University](#), they shared details of Missoula, Montana used charrettes at the beginning of the pandemic and had record levels of participation. If attendance isn't reflecting the community, what are you doing to improve that?

- Q#12 & Goals: Remember that not only is the Title vi language required in all transportation-related contracts/agreements but also the Standard Assurances (USDOT1050.2A) with appropriate appendix.

[Chapter 28 of the LAG Manual](#) has been revised. OEO plans two different levels of training, the first being basics applicable to all 50 states and US territories. The Level 1 Basic training is now posted on Local Programs LTAP page. We recommend all staff with transportation-related responsibilities complete [Level 1 training](#).

The second level will be focused on data collection and analysis for all work phases focusing on Title VI, EJ, and LEP.

I am here to help communities of the Southwest, Olympic, and Northwest regions with Title VI.

Gretchen Gleue, CPM

Title VI Local Agency Compliance Lead

360/522-0852 m#

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NWR, Dayton Office
WSDOT - Office of Equal Opportunity

