

# **Title VI Plan**

City of Tacoma, Community and Economic Development Department

October 31, 2022

Elizabeth Pauli, City Manager

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## **I. Title VI Policy Statement and Authorities**

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

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

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

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

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

Signed:   
Acting City Manager

December 21, 2022  
Date

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

The City of Tacoma (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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Tacoma, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, City of Tacoma 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 the 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.

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

\_\_\_\_\_  
City of Tacoma  
(**Name of Recipient**)

by \_\_\_\_\_  
(**Signature of Authorized Official**  
**Acting City Manager**)

December 21, 2022  
DATED \_\_\_\_\_

## 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 Nondiscrimination 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 Tacoma will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Tacoma all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto City of Tacoma 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 Tacoma, its successors and assigns.

The City of Tacoma, 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 Tacoma 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, Nondiscrimination 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 Tacoma 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 Tacoma 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 Tacoma 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 Tacoma and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## **APPENDIX D**

### **CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Tacoma 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 Nondiscrimination covenants, City of Tacoma will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Tacoma will there upon revert to and vest in and become the absolute property of City of Tacoma 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.).

## II. Organization, Staffing, and Structure

Elizabeth Pauli, City Manager 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 City of Tacoma has assigned to the department of Community and Economic Development to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of Title VI Coordinator is located within the Workforce Development and Business Partnerships Division within the Community and Economic Development Department.

The Title VI Coordinator is responsible for:

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



### 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 City of Tacoma compliance with Title VI requirements as follows:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way	The Asset Management Division w/in Public Works manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works construction projects.	Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted City of Tacoma purchasing policies in the acquisition of contracted services.	Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Maintain statistical data including race, color, national origin, and sex on right of way activities for projects.
Planning	The Planning and Development Department has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to Tacoma citizens.	Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations and providing PSA's for all local media, when forming citizen advisory committees or planning board, and requesting involvement.	City of Tacoma staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin.

Environmental	Environmental Services Department works with programs to consider economic and social effects.	Environmental Justice Analysis will be completed for each project. To include: Project definition, communications plan including specific EJ strategies for continuous and meaningful involvement, identification of potential impacts and mitigation and benefits.	Ensure dissemination of information and foster participation from affected populations. City of Tacoma staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings and arrange for translation services as needed; particularly for projects impacting predominantly minority communities.
Construction	Engineering Division w/in Public Works is responsible for administration of all new construction contracts and inspection services. The Engineering Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Engineering Division Manager.	Awarding construction contracts based on lowest responsive bidder while ensuring that prime contractors with Equity in Contracting (women and minority goals) requirements award contracted work to qualified EIC's.	Review projects for application of EIC goals. As appropriate, include EIC provisions in those projects with designated goals. Include Title VI language, including Standard Assurances with the appropriate appendices in bid announcements and applicable construction documents, as stipulated in the City of Tacoma's Title VI Policy..
Maintenance	The Maintenance Division is responsible for the efficient program for maintaining Tacoma's roads, bridges, and parks/grounds by utilizing the resources of contractors, equipment, and materials.	Monitoring of maintenance and construction operations to ensure nondiscrimination throughout all operations.	Review projects for application of EIC goals. Include EIC provisions in those projects with designated goals. Include Title VI language including Standard Assurances with the appropriate appendices in bid announcements and applicable construction documents, as stipulated in the City of Tacoma's Title VI Policy.

#### IV. Review Procedures

City of Tacoma staff requests qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies for public works projects, Consultant's selected by the City of Tacoma will adhere to Washington State Regulations, Local Agency Guidelines and City of Tacoma contracting policies.

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

<b>Program Area</b>	<b>Type of Data Collected &amp; Process for Collecting</b>	<b>Intended Outcome of Data Analysis</b>
Right of Way	Maintain statistical data including race, color, national origin, gender, age, low income and LEP on all relocated affected by federally funded projects and provided detailed demographic data annually to the Title VI Coordinator.	COT staff will analyze the data and information collected and eliminate discrimination when found.
Planning	Data gathered at applicable community meetings and public hearings involving transportation planning sessions through use of a voluntary self-reporting form which includes race, color, national origin, gender, age, low income and LEP	COT staff will analyze the data and information collected and eliminate discrimination when found.
Environmental	Data gathered at applicable community meetings and public hearings during the transportation design phase through use of a voluntary self-reporting form which includes race, color, national origin, gender, age, low income and LEP	COT staff will analyze the data and information collected and eliminate discrimination when found.
Construction & Maintenance	Coordinate the gathering of maintenance and construction information including race, color, national origin, gender, age, low income and LEP regarding for the Annual Title VI report.	COT staff will analyze the data and information collected and eliminate discrimination when found.



## **VI. Title VI Training**

In keeping with adopted City of Tacoma policy of nondiscrimination, departmental procedures will be established or followed for Public Works employees to have equal access to applicable educational and training opportunities for NHI, FHWA and/or WSDOT training.

The Title VI Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity may be asked to provide applicable training. Title VI Coordinator will track demographic data on who requests, and who attends trainings.

## **VII. Title VI Complaint Procedures**

Any person who believes he or she has been subjected to discrimination under Title VI based on race, color, national origin, gender, age, low income and LEP may file a Title VI complaint with the Title VI Coordinator. Information on the complaint process is posted on the City of Tacoma web site; [cityoftacoma.org/ced](http://cityoftacoma.org/ced) and is translated in accordance with the COT Language Access Plan. In addition, individuals can request translated documents through the Title VI Coordinator or in person or online through the Customer Support Center.

Translated versions of the City of Tacoma Title VI complaint process and forms can be found at our Customer Support Center located on the 2<sup>nd</sup> floor of the Tacoma Municipal Building located at 747 Market Street, Tacoma 98402.

### **Discrimination Complaint Procedure for the City of Tacoma**

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

Complaints related to the Federal-aid programs may be filed with the City of Tacoma and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact Carol Wolfe, Title VI Coordinator by email to [cwolfe@cityoftacom.org](mailto:cwolfe@cityoftacom.org) or by phone to (253) 591-5384.

#### **Who is eligible to file a complaint?**

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Tacoma 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 Carol Wolfe by email to [cwolfe@cityoftacom.org](mailto:cwolfe@cityoftacom.org) or by phone to (253) 591-5384 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 Carol Wolfe by email to [cwolfe@cityoftacom.org](mailto:cwolfe@cityoftacom.org) or by phone to (253) 591-5384

Complaints should be in writing, signed, and may be filed by mail to:

Title VI Coordinator  
747 Market Street-9<sup>th</sup> Floor,  
Tacoma, WA 98402  
Fax (253) 591-5232

Complaints may be submitted in person to our Customer Support Center located at:

Customer Support Center  
747 Market Street – 2<sup>nd</sup> Floor  
Tacoma, WA 98402

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

FHWA Washington Division  
c/o Civil Rights Program Manager  
711 S. Capitol Way, Suite 501  
Olympia, WA 98501-1284  
(360) 534-9325

If a complainant phones the City of Tacoma with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available).
- The basis of the complaint (e.g., race, color, national origin).
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated.
- A description of the alleged discriminatory actions, meaning sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

All Title VI complaints are logged. The Complaint log must contain the following information for each complaint filed:

- The name and address of the person filing the complaint.
- The date of the complaint.
- The basis of the complaint.
- The disposition of the complaint.
- The status of the complaint.

The Complaint Log and documentation are destroyed four years after the end of the fiscal year in which the case is closed.

The City of Tacoma then forwards complaints to WSDOT-Office of Equal Opportunity for processing by FHWA. [WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint.] FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

#### What happens after a complaint is filed?

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

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

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

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

Please complete this form to the best of your ability. If you need translation or other assistance, contact Carol Wolfe by email to [cwolfe@cityoftacom.org](mailto:cwolfe@cityoftacom.org) or by phone to (253) 591-5384

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

Best time of day to contact you about this complaint:

**Basis of Complaint (circle all that apply):**

Race	Color	National Origin (includes language access)
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*Who discriminated against you?*

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

Telephone

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

[illegible]

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\_\_\_\_\_

\_\_\_\_\_

*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**

The City of Tacoma is committed to nondiscrimination through equitable and inclusive public engagement and involvement. As a result, the following approaches are taken with public participation:

- a) Invite participation of a cross section of the populace from social, economic, and ethnic groups by disseminating written program information to minority media and ethnic organizations and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
- b) City of Tacoma staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.
- c) Demographic data collected will be compared to the demographics of the service / project area to determine if representation was proportional. Project Managers will address discrepancies with representational public participation for modifications and improvement to public participation plans.
- d) To ensure access to public meetings, evening meetings will be conducted in a variety of communities, if necessary, throughout the City of Tacoma, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in person and virtually in predominantly minority communities when transportation projects will specifically impact those communities.

The city utilizes several tools to identify low income and minority populations for outreach.

The equity index can allow users to search by neighborhood to learn more about the populations that live there. Users can see the top countries of origin, race and ethnicity, and see what portion of that neighborhood is foreign born or has limited English proficiency. Income data is available through the equity index. These data points can help guide languages and engagement strategies utilized in outreach efforts.

The city has established a Partner Organization Database, which provides the name and contact information of community partner organizations that provide language services to the community. Staff is expected to partner with these organizations to ensure that targeted language resources are connected to those in the community who need them.

The city has developed methods for identifying people who contacts the city through correspondence (via U.S. mail, fax, e-mail, or Website inquiry), telephonically or in person, and who may need language assistance. Upon determining the need for language assistance services, the City will:

- Take reasonable steps to ensure that all communication is conducted with the use of a bilingual staff member, or, when necessary, a qualified contract interpreter or translator, or through telephonic or video interpretation with qualified interpreters.
- The city will take reasonable steps to ensure that vital documents related to the City services, programs, and activities are provided in the most frequently encountered languages of the individuals affected by the services, programs and activities or are interpreted for the individual in their preferred language.
- City staff who interact with the public will be trained on language access policies and procedures, including how to access language assistance services and to identify and work with individuals, interpreters, and translators. City staff who encounter individuals who speak languages other than English should maintain a record of their contact with them and the primary languages spoken.

The four-factor analysis is a flexible and fact-dependent standard used to determine the appropriate language assistance services to ensure individuals who speak languages other than English have meaningful access to City services, programs, and activities. The four-factor analysis considers:

1. The number or proportion of people who speak languages other than English eligible to be served citywide or likely to be encountered in service to the community. a. Consider the population by audience b. Councilmanic District c. Tacoma population.
2. The frequency with which people who speak languages other than English encounter the program, project, or initiative
3. The nature and importance of the program, activity, or service provided by the program to people's lives
4. The resources available to the program, project or initiative and costs.

## **X. Language Access Plan**

### Authorization

The City of Tacoma is authorized under Resolution 40622 to create and equitable and anti-racist Tacoma. This resolution formally acknowledges that the City of Tacoma's existing systems have not adequately served the needs of everyone in our community and, in particular, have not adequately served the needs of Black community members and other community members of color including people who communicate in languages other than English.

### Purpose

The purpose of the City's language access plan is to:

Take reasonable steps to eliminate or reduce – to the maximum extent practical – limited English proficiency as a barrier to accessing existing City services, programs, and activities.

Establish guidelines, consistent with Title VI of the Civil Rights Act of 1964, its implementing regulations and guidance documents for City staff to follow when providing services to, or interacting with, individuals who speak languages other than English.

Outline the responsibility of the City to take reasonable steps to ensure that communications are not impaired because of the limited English proficiency or results in failure to provide timely language assistance services that may result in a denial of meaningful access to City services, programs, or activities that are accessible to people who speak English.

In determining what are the reasonable steps the City must take to provide meaningful access, in alignment with the State and Federal standards set out in the U.S. Department of Justice (DOJ), Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455, 41461-64 (June 18, 2002), (hereinafter "2002 DOJ Guidance"), and issued in accordance with Executive Order 13166

The four-factor analysis is a flexible and fact-dependent standard used to determine the appropriate language assistance services to ensure individuals who speak languages other than English have meaningful access to City services, programs, and activities. The four-factor analysis considers:

- The number or proportion of people who speak languages other than English eligible to be served or likely to be encountered in service to the community.
- Consider the population by audience
- Councilmanic District
- Tacoma population whole
- The frequency with which people who speak languages other than English come in contact with the program, project or initiative
- The nature and importance of the program, activity, or service provided by the program to people's lives
- The resources available to the program, project or initiative and costs.

## Policy

### Commitment to Equity

Language access is a fundamental human and civil right. All people should be able to fully and equitably participate in our communities and access services in their preferred language. True language access fosters cultural vitality, autonomy, and dignity by allowing people to communicate without being stigmatized.

## Language Assistance Measures

The City has developed methods for identifying people who contacts the City through correspondence (via U.S. mail, fax, e-mail, or Website inquiry), telephonically or in person, and who may need language assistance. Upon determining the need for language assistance services, the City will:

Take reasonable steps to ensure that all communication is conducted with the use of a bilingual staff member, or, when requested a qualified contract interpreter or translator, or through telephonic or video interpretation with qualified interpreters.

The City will take reasonable steps to ensure that vital documents related to the City services, programs, and activities are provided in the most frequently encountered languages of the individuals affected by the services, programs and activities or are interpreted for the individual in their preferred language.

City staff who interact with the public will be trained on language access policies and procedures, including how to access language assistance services and to identify and work with individuals, interpreters, and translators. City staff who encounter individuals who speak languages other than English should maintain a record of their contact with them and the primary languages spoken.

## Applicability

The policies, procedures, and responsibilities of this plan apply to all City departments, commissions, boards and committees, including contractors acting on behalf of the City.

## Responsibilities

### Language Access Working Group

The City has established and will maintain a Language Access Working Group (Working Group) that reflects the City's organizational structure and whose membership is representative of City services, programs, and activities, as appropriate. The Working Group will be responsible for strategizing, recommending, implementing and innovating language access strategies and tactics. The City's Language Access Working Group, composed of representatives who engage and communicate with the public, will monitor the implementation of the City's Plan and assist departments in implementation and compliance with language access strategies. The Media and Communications Office hired a Language Access Coordinator who has been leading this Working Group and has been reporting key issues and information as appropriate to the Director and the City Manager or her/his/their designee. The Working Group will work with the Language Access Coordinator to annually conduct an evaluation of the City's Language Access Plan and outcomes, and make recommendations to the Language Access Coordinator for appropriate revisions. The Working Group will establish a schedule to periodically evaluate and update the City's language access services, policies, plans, and protocols as well as identify and pursue capacity building opportunities in the community.



## **XI. Environmental Justice**

An Environmental Justice Analysis will be completed for each project/service activity. To include: Project/service definition, communications plan including specific EJ strategies for continuous and meaningful involvement, identification of potential impacts, mitigation and benefits.

To ensure dissemination of information and foster participation from affected populations, City of Tacoma staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings and arrange for translation services as needed; particularly for projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems. City of Tacoma staff will utilize the City's Language Access Plan (LAP).

City of Tacoma staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Title VI Coordinator after each meeting. EJ methodology, findings and information regarding public involvement will be collected and documented.

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

Notice of Title VI Rights are posted on the City of Tacoma web site; [cityoftacoma.org/ced](http://cityoftacoma.org/ced), and in the Customer Support Center located at 747 Market Street – 2<sup>nd</sup> Floor Tacoma WA 98402 and are translated based on USDOJ Safe Harbor thresholds. In addition, individuals can request translated documents through the Title VI Coordinator or in person or online through the Customer Support Center.

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

Copies of these rights may be requested in other languages by contacting the Title VI Coordinator Carol Wolfe at [cwolfe@cityoftacoma.org](mailto:cwolfe@cityoftacoma.org) or (253) 591-5384.

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Tacoma. Any such complaint filed with the City of Tacoma Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the City of Tacoma Customer Support Center office located on the 2nd floor of the Tacoma Municipal Building located at 747 Market Street, Tacoma 98402 at no cost to the complainant.

**To file a Title VI discrimination complaint, contact:**

Carol Wolfe, Title VI Coordinator

747 Market Street, 9<sup>th</sup> Floor

Tacoma, WA 98402

[cwolfe@cityoftacom.org](mailto:cwolfe@cityoftacom.org)

(253) 591-5384.

(253) 591-5232 (fax)

**Complaints may be filed directly to WSDOT:**

Washington Department of Transportation

Office of Equal Opportunity – Title VI

Box 47314

Olympia, WA 98504-7314

[TitleVI@wsdot.wa.gov](mailto:TitleVI@wsdot.wa.gov)

(360) 705-7090



**END**