



TITLE VI PLAN

2021 - 2026



Downtown Wenatchee Mural "Better Together - Mejor Juntos"

Chelan-Douglas Transportation Council

37 S. Wenatchee Avenue, Suite C
Wenatchee, Washington 98801
(509) 663-9059 | www.chelan-douglas.org

TABLE OF CONTENTS

Title VI Notice to the Public	Page 3
CDTC Title VI Plan	Page 3-4
About Us	Page 4
CDTC Title VI Policy Statement	Page 4
Authorities	Page 5
CDTC Organization Chart	Page 5
CDTC Staff	Page 6
General Title VI Program Responsibilities	Page 6
Education & Training	Page 7
Resolution of Complaints	Page 8
Communications & Public Involvement	Page 9
Environmental Justice	Page 9
Limited English Proficiency	Page 10-11
Four Factor Analysis	Page 11-13
USDOT Standard Title VI Non-Discrimination Assurances DOT Order No. 1050.2A	Page 15-23

Title VI Notice to the Public

The paragraph below is inserted into all significant publications that are distributed to the public by Chelan-Douglas Transportation Council (CDTC) in Wenatchee, Washington. The text remains permanently on the CDTC website www.chelan-douglas.org and in the office. The complete version below is the preferred text, but only on occasion where space is limited, an abbreviated version is used in its place:

Complete Title VI Notice

The Chelan-Douglas Transportation Council (CDTC) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America 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 program or activity for which CDTC 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 CDTC. Any such complaint must be in writing and filed with CDTC's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please call (509) 663-9059.

Abbreviated Title VI Notice

The Chelan-Douglas Transportation Council assures full compliance with Title VI of the Civil Rights Act of 1964. Title VI requires that no person in the USA 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 of the agency.

CDTC Title VI Plan

Title VI and environmental justice are an integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. This renewed commitment to Title VI has, and continues to be, reflected in the CDTC work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at CDTC to ensure compliance with Title VI and related statutes regarding non-discrimination and environmental justice.

"It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin. The Civil Rights Restoration Act of 1987

clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not.”
Source: US Department of Transportation

About Us

Chelan-Douglas Transportation Council (CDTC) is the Metropolitan Planning Organization and the Regional Transportation Planning Organization with responsibility for transportation planning and programming in the Wenatchee Metropolitan Statistical Area encompassing Chelan County and Douglas County.

All public events including the monthly CDTC Governing Board meetings are always open to the public and are always wheelchair (any size) and walking device accessible. The public is welcome to contact CDTC in advance to request language translation services during board meetings and other public events.

Individuals requiring reasonable accommodations may request written materials in alternate formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodations by contacting CDTC at 509-663-9059 with at least one-week advance notice. Persons who are deaf or hard of hearing may contact CDTC through the Washington Relay Service at 7-1-1.

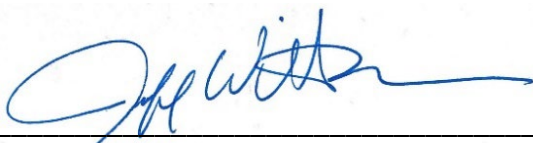
CDTC Title VI Policy Statement

The Chelan-Douglas Transportation Council (CDTC) assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, 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 receiving Federal financial assistance from the Washington State Department of Transportation.

CDTC further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event CDTC distributes federal aid funds to another governmental entity or other sub-recipient, CDTC will include Title VI language in all written agreements and will monitor for compliance.

Under direction of the CDTC Executive Director, the Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other CDTC responsibilities as required by 23 CFR 200 and 49 CFR 21.



Jeff Wilkens, CDTC Executive Director

November 21, 2023

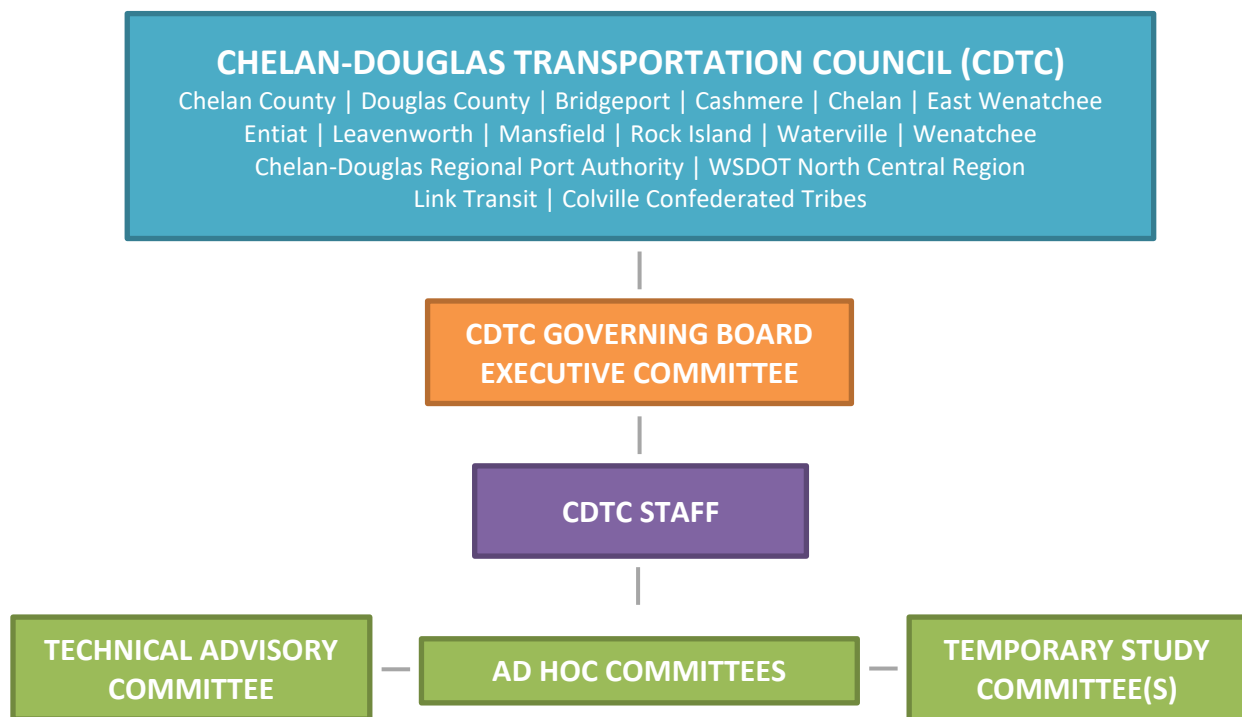
Date

Authorities

Title VI of the 1964 Civil Rights Act provides 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 receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; Executive Order 13166; 28 CFR 50.

CDTC Organization Chart



CDTC is governed by a 10-person board with voting membership representing Chelan County, Douglas County, the cities of Wenatchee, East Wenatchee, the small cities of Chelan County (rotating position), the small cities and towns of Douglas County (rotating position), Chelan-Douglas Regional Port Authority, WSDOT North Central Region, Link Transit and the Colville Confederated Tribes.

Every October, the governing board reviews and approves the annual Title VI Report.

CDTC Staff

Jeff Wilkens

Executive Director

jeff@chelan-douglas.org

Overall MPO/RTPO administration, management, and fiscal oversight; governing board support; organization capacity and programs development; budget and work program development; transportation funding programs; policy analysis; internal and external relations; statewide coordination.

Chad Daggett, CMC

Certified Municipal Clerk &

Title VI Coordinator

chad@chelan-douglas.org

Office management; fiscal coordination and support including accounts payable, payroll, invoicing, governing board procedures management, meeting minutes and agendas; website management; public records management; Title VI Coordinator; Human Services Mobility Coordinator.

Riley Shewak

Senior Transportation Planner

riley@chelan-douglas.org

Regional Transportation Plan development; travel demand forecasting; active transportation planning programs; traffic data programs management; planning studies support and management.

Ryan McGrew

Planning & Data Analyst

ryan@chelan-douglas.org

Data and mapping specialist; research coordination; fieldwork and data collection, and management of a regionwide Geographic Information System (GIS) mapping and database system.

General Title VI Program Responsibilities

Following are general Title VI responsibilities of CDTC. The CDTC Executive Director is responsible for ensuring these elements of the plan are appropriately implemented and maintained by the CDTC Title VI Coordinator.

Data Collection

Demographic data on race, color, national origin, income level, and language spoken of the region's population is to be collected and maintained by CDTC. This demographic data will be used to develop public outreach efforts and to conduct environmental justice analyses for the transportation planning and programming activities identified in the Unified Planning Work Program.

Annual Title VI Report

The CDTC Annual Title VI Report is submitted by October 31st each year to Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity. The October due date is according to WSDOT's alphabetical annual submission schedule published in the Local Agency Guidelines manual, Item 28.4.

Annual review of Title VI program

Each year, in preparing for the Annual Title VI Report, the CDTC Executive Director and Title VI Coordinator shall review the agency's Title VI program to assure compliance.

Dissemination of information related to the Title VI program

CDTC's Title VI Coordinator has distributed copies of all Title VI information and assurances to the CDTC staff, governing board and WSDOT. The Title VI annual report is approved by the CDTC governing board annually during the month of October. External dissemination is ongoing as follows:

- A. CDTC's "Notice to Public," as included in this Title VI Plan, is located on the CDTC website www.chelan-douglas.org. The CDTC Title VI Plan will be made available in print to the public upon request. The Title VI "Notice to Public" is also permanently displayed on the CDTC office wall as well as occasionally on the internal CDTC electronic signage.
- B. CDTC will continue to distribute copies of the Title VI Plan to all prime contractors, subcontractors, consultants, and suppliers currently participating on CDTC planning projects receiving federal financial aid. The CDTC will also make copies available to other firms providing goods and services to CDTC upon their request.
- C. CDTC always includes the appropriate Title VI non-discrimination language and any implementing requirements FHWA may issue in all solicitations for competitive bidding or negotiated procurements with federal aid for professional services and purchase of materials or equipment.

Education and Training

The CDTC Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the education and training program. WSDOT will provide information on training opportunities open to CDTC staff and subrecipients, including information on training provided by National Highway Institute (NHI) and National Transit Institute (NTI). The Title VI Coordinator will:

- Assist WSDOT in the distribution of information to CDTC staff on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable courses for CDTC employees.
- Track staff participation in Title VI, NHI, and NTI courses.
- All CDTC employees and board members are encouraged to participate in professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI) and the National Transit Institute (NTI).
- CDTC staff are strongly encouraged to participate in training programs and workshops offered through Washington State Department of Transportation and others. Additionally,

the Title VI Coordinator informs CDTC employees of any new training opportunities upon notification from other external agencies.

Resolution of Complaints

Title VI complaint forms are available to download and print in both English and Spanish on the CDTC website www.chelan-douglas.org/title-vi. Other language translations are available with advance notice by calling the CDTC office at: (509) 663-9059. The complaint forms are also available at the CDTC office.

Any individual may exercise her/his/their right to file a complaint with CDTC, if that person believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, or national origin. CDTC's Title VI Coordinator will investigate all complaints of Title VI violations. The CDTC will use procedures outlined in the Title VI Plan to investigate such complaints. The objective of the investigation will be to determine whether prohibited discrimination has occurred or could occur, and to take steps to remedy the situation. To accomplish this, the Title VI Coordinator shall coordinate and document the following:

- a) Identification of the basis for the complaint;
- b) Identification of sources of information;
- c) Fact finding interviews with aggrieved persons, witnesses and the alleged violator;
- d) Development of a statement of finding-of-facts and information relevant to the issue/basis for the complaint;
- e) Informal dispute resolution;
- f) Report of findings in a manner that includes a conclusion and determination of future actions to take; and
- g) Provision for possible appeal by the complainant of the decision to the Federal Highway Administration. CDTC's Executive Director and Title VI Coordinator will consult with WSDOT before commencing investigations to determine which agency should properly investigate.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

- ❖ Washington State Department of Transportation
Office of Equal Opportunity
P.O. Box 47314
310 Maple Park
Olympia, WA 98504-7314

- ❖ Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR 1200
New Jersey Ave., SE Washington, DC 20590

- ❖ United States Department of Justice Civil Rights Division
Coordination and Review Section – NWB
950 Pennsylvania Avenue NW
Washington, DC 20530

- ❖ Civil Rights Program Manager & Training Coordinator
FHWA Washington Division
711 S. Capitol Way, Suite 501
Olympia, WA 98501-1284

Communications and Public Involvement

The CDTC Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency’s public involvement process:

- Ensure all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are aware of and have full access to participate in the planning process.
- Include the Title VI “Notice to the Public” in Request for Proposals and other types of advertisements, including the CDTC website: www.chelan-douglas.org

Communication & Outreach Methods

CDTC is committed to adhering to WSDOT’s approach to Equity (final draft dated April 22, 2021) by using communication methods that are meaningful to the specific audience by:

- Using plain talk (including writing for people with varying levels of literacy)
- Transcreation (adapting content from one language to another while maintaining the existing tone, intent and style)
- Providing good visuals - partnering with key stakeholders who already educate and engage community members
- Providing meaningful access to people with disabilities

Environmental Justice Executive Order #12898

The Environmental Justice Task Force Final Report in Fall 2020 states, “Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. This includes using an intersectional lens to address disproportionate environmental and health impacts by prioritizing highly impacted populations, equitably distributing resources and benefits, and eliminating harm.” Thus:

- CDTC will maintain a Title VI Plan to ensure that no person in the region 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 program or activity for which CDTC receives federal financial assistance.

- CDTC's Title VI Plan will be updated every six years; sooner should the Executive Director change. The CDTC board-adopted Plan will be sent to the WSDOT Office of Equal Opportunity as well as the WSDOT-North Central Region Local Programs Manager.
- CDTC also submits an annual report every October (according to WSDOT's alphabetical submission calendar) on its Title VI program to the Washington State Department of Transportation to ensure all federal regulations are being met.

CDTC seeks out and considers the needs of low-income and minority households. To identify these populations, CDTC maintains and publishes on its website (www.chelan-douglas.org) a Demographic Profile of the Metropolitan Area using Census and American Community Survey data to identify the number and locations of minority, low-income, elderly, and limited English proficient populations in the region. CDTC shall update the demographic profile upon receiving the new Census data results in 2021. With this data, CDTC provides an Environmental Justice (EJ) analysis of the impacts of key decisions on traditionally underserved populations as part of its planning and programming processes. During Plan updates, CDTC may hold focus groups to discuss transportation impacts and hear concerns as a way to help identify the needs of historically underserved populations.

Populations of Focus

- Limited English Proficiency
- Low-Income Communities
- Communities of Color
- Persons with Disabilities

Title VI of the 1964 Civil Rights Act

This Act states 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 receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Improving Access to Service for Persons with Limited English Proficiency

Executive Order #13166

Improving access to service for persons with limited English proficiency (LEP) clarifies the Title VI of the Civil Rights Act of 1964 with regards to accessibility of federal programs and services to persons who are not proficient in the English language. This executive order states that individuals who do not speak, read, write, or understand English well are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter.

The Data

The following table shows that 11.3% of the total population do not speak English well. More detailed mapping of residing population will be included in CDTC’s Regional Transportation Plan as well as the demographic profile once the updated Census data is completely released.

109,557	Total MPO Population
12,395	Individuals who speak English “less than very well”
11.3%	Percentage of region’s population who speak English “less than very well”

Source: United States Census Bureau, 2018 American Community Survey

Common Languages Spoken in Chelan County and Douglas County Regions

The common languages spoken in the Chelan County and Douglas County regions are English and Spanish.

Four Factor Analysis

Factor One: The proportion of LEP persons in the Chelan-Douglas region

CDTC member jurisdictions cover the Chelan-Douglas Region, which are largely English speaking. The vast majority of the population with which CDTC interacts is English speaking.

CDTC reviewed table B16004 provided by the 2017-2021 American Community Survey 5-year estimates program to determine the presence of persons with limited English proficiency in the Chelan-Douglas Metropolitan Planning Area. Table B16004¹ provides the language spoken by individuals older than 5 and whether they speak English very well, well, not well, or not at all. In total, 11.09% of individuals older than 5 in Chelan and Douglas counties speak English less than very well.

Spanish speakers who speak English less than very well represent 10.5% of the population in Chelan and Douglas counties. No other language besides Spanish currently meets the Safe Harbor threshold of 5% of the population or 1,000 LEP speakers.

Population older than 5	Total LEP Spanish	% LEP Spanish	Total LEP Indo-European	% LEP Indo-European	Total LEP Asian-Pacific Island	% LEP Asian-Pacific Island	Total LEP Other	% LEP Other
113,783	11,927	10.5%	184	0.16%	321	0.28%	184	.016%

Examples of documents that CDTC considers vital are:

- Title VI and ADA Notices to the Public;
- Title VI and ADA complaint forms;

¹ Includes Spanish, Indo-European, Asian – Pacific Island, and “Other” languages.

- Title VI and ADA complaint procedures;
- Public outreach materials expected to reach a Spanish-speaking audience that may not speak English very well (i.e., CDTC’s South Wenatchee Bicycle Connectivity Study); and
- Pages of CDTC’s website that include materials translated into Spanish.

The above list of vital documents are examples and not all-inclusive. CDTC may determine that other documents are considered vital if they are deemed critical to LEP individuals’ participation in CDTC’s Transportation Program or are required by law. Determination of what is considered a vital document will often depend upon the outreach being conducted and an assessment of languages likely to be spoken in households of targeted areas, which can be informed by the Census data analyzed in CDTC’s demographic profile. According to the Safe Harbor Provision, if recipients provide written translation of vital documents for language groups that meet or exceed the threshold, recipients will be considered to have “strong evidence of compliance” with LEP obligations. Language tables with ACS data are on Page 39-40 of CDTC’s demographic profile.

Factor Two: The frequency with which LEP individuals come into contact with CDTC’s transportation program

Very seldom does CDTC come into contact with LEP individuals. Because of the nature of CDTC’s work as a planning organization and regional agency, CDTC is most likely to encounter LEP individuals through participation in public meetings and customer service interactions. A CDTC open public meeting occurs each month (i.e., the governing board meeting). Public meetings, open houses and other opportunities for public input occur as needed.

Customer service interactions occur on a daily basis. Most interactions are with English-speaking staff and elected officials of CDTC member jurisdictions. Communications with the general public typically occur via telephone, email or in-person. During the reporting period, there were zero customer service interactions between Spanish speaking persons or staff who spoke English less than very well.

Factor Three: The nature and importance of the transportation program

CDTC conducts a regional transportation planning process in Chelan-Douglas region which is cooperative, coordinated and consistent. Persons living in Chelan-Douglas region are likely to be affected or potentially affected by regional transportation projects for which CDTC has a lead role in planning and programming. CDTC also has a role in selecting transportation projects to receive certain federal funds within Chelan-Douglas Region.

Five significant planning processes occurred during the reporting period of this Title VI Plan: 1) an annual update to the Transportation Improvement Program; 2) an update to the Coordinated Public Transit-Human Services Transportation Plan; 3) adoption of the Regional Bicycle Plan; 4) the South Wenatchee Bicycle Connectivity Study; and 5) the SR 28 Corridor Study. Being regional in nature, each planning effort was impactful to persons throughout Chelan-Douglas region, including those with limited English proficiency.

Factor Four: The resources available to CDTC and costs to assure meaningful access to the transportation program by LEP persons

CDTC is a small metropolitan planning organization (MPO) with four full-time employees; the metropolitan planning area of the MPO includes a population of 125,000. The small size of the MPO staff and limited budget provides limited opportunities to provide language assistance services. All employees of CDTC speak only English, but interpretation services and Spanish translation services of written material can be provided if requested. If these translation services are requested, CDTC will consider contracting with a local interpreter service or seek out assistance from community organizations that provide interpreter services. Any and all contracts must adhere to CDTC procurement policies.

The CDTC website has a function whereby content can be translated into a number of languages other than English, including Spanish, the second most common language in the Chelan-Douglas region. CDTC always seeks to apply technological advances, such as the free language translation service available on the website, to provide meaningful access for those with limited English proficiency to the services that CDTC offers, so that persons are not discriminated against on the basis of national origin and inability to speak English. CDTC notifies the public of future meetings by posting on its website.

CDTC has had some translation services performed by translating several documents into Spanish. Examples of translated Spanish documents are: Title VI Notice to the Public, ADA Notice to the Public, Title VI Complaint Form, and ADA Complaint Form. Costs were generally \$100-\$200 each time translation was needed, and translations were conducted by a local business that specializes in translation and interpretation services. CDTC proactively translated these documents. No requests for interpretation were made to CDTC during this reporting period.

Online Translation

CDTC uses a Google Translate tool for its website. This tool will prompt anyone looking at CDTC's website from a computer that is not set to English that the translation tool is available. The Google Translate tool offers over 100 languages.

Visualization Techniques

CDTC uses visualization techniques such as maps, charts, graphs, illustrations, presentations, and videos at all types of meetings and in all types of print materials to explain concepts behind actions and decision-making. Visualization techniques can be helpful when communicating with LEP or low-literacy persons. CDTC may also use handouts and posters to display visual information. CDTC's board meeting facility is equipped with state-of-the-art computers, projectors, and sound systems for displaying visual and audio information. CDTC always strives to have its presentations in a consistent, streamlined, and easy-to-understand visual message.

Notification Techniques

CDTC regularly notifies community groups and the media when there are opportunities for public comment or new information is available. CDTC’s website, publications, and advertisements include a notification of the public’s rights under Title VI.

Agendas & Minutes

The agendas and meeting minutes for all CDTC board meetings include the Title VI notification.

Accessibility for Sight and Hearing Impaired

CDTC uses the TTY Relay. CDTC meetings are always conducted in facilities that are accessible to persons with disabilities and to people who rely on public transit. The information is available on the CDTC website: www.chelan-douglas.org (under About Us / Council Meetings).

Focus Groups

Occasionally with the help of consulting firms, CDTC has convened targeted outreach sessions, such as lunch sessions or focus group meetings, with community leaders that represent Title VI, Environmental Justice, and Limited English Proficient populations. These meetings are an effective way to increase participation from communities CDTC may not have come into contact with previously, including LEP individuals. A good example of Spanish outreach is the SR 28 Corridor Study conducted in 2021.

Print material in other language formats

Verbal translation and communication material in other languages can be arranged given sufficient notice by calling (509) 663-9059, TTY Relay 7-1-1.

Monitoring and Updating Language Assistance

CDTC will monitor requests for translations and adjust practices to meet demand and will periodically update this plan as needed to reflect changes.

Questions

For questions on CDTC’s Title VI Plan, work program, reports, data forecasting, maps, current public comment periods, meetings open to the public, and other available information, please visit the CDTC website www.chelan-douglas.org or call (509) 663-9059, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Printed copies of this document in any language may be obtained by contacting:



Chelan-Douglas Transportation Council (CDTC)
37 South Wenatchee Avenue, Suite C | Wenatchee, WA 98801



(509) 663-9059



comments@chelan-douglas.org

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

The Chelan-Douglas Transportation Council (CDTC) (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 the Washington State Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

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

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

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

"The CDTC 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.

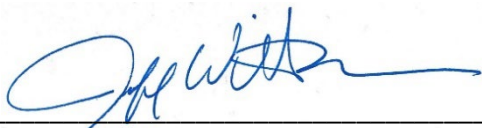
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, 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, CDTC 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 CDTC 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 CDTC. You must keep records, reports, and submit the material for review upon request to CDTC, 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.

CDTC 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 Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Chelan-Douglas Transportation Council (CDTC)

(Name of Recipient)

by  _____

Jeff Wilkens, Executive Director

(Signature of Authorized Official)

November 21, 2023

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 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 CDTC will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, the United States Code, the Regulations for the Administration of program, 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 CDTC 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 CDTC 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 CDTC its successors and assigns.

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