

Title VI Plan for Agencies Over 100,000 Population

Port of Seattle
Federally Funded Transportation Program
TITLE VI PLAN

Updated August 2022

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I. Policy Statement, Authorities, and Citations

A. Policy of Nondiscrimination

Title VI of the 1964 Civil Rights Act provided groundbreaking protection from discrimination in federally funded programs, services and activities based on a person's race, color or national origin.

The Port of Seattle ("Agency") assures that no person shall on the grounds of race, color, national origin, or sex or creed as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), and Section 520 of the Airport and Airway Improvement Act of 1982 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Agency sponsored program or activity. The Agency further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

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

In June of 2019, The Port of Seattle created the Office of Equity, Diversity and Inclusion ("OEDI") to ensure that everyone has access to opportunities necessary to satisfy essential needs, advance their well-being, and achieve their full potential.

In September 2020, the Port of Seattle Commission adopted a Racial Equity Motion and in this motion the Commission recognized that advancing equity must be at the core of our plans for the future. The Port of Seattle OEDI launched an equity index, a map aggregating 21 indicators across four categories regarding livability, accessibility, economic, and environmental conditions to show the level of equity within the Port of Seattle's jurisdiction, to help guide Port staff and leadership decisions on the Port's community investments and where to better distribute resources to historically marginalized communities. In addition, an equity assessment was conducted of the entire internal systems, processes, and procedures to guide the top priorities and recommendations and a plan for implementation and improve operational and business practices, support actions that promote accountability, close disparity gaps and increase community engagement. OEDI and the Port of Seattle staff's goal is to take measures to assure that any time communities may be affected by programs or activities, efforts will be made to involve their leaders and the general public in the decision-making process and encourage participation of the community in its full diversity.

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

Agency requires Title VI assurances from each tenant, subcontractor and concessionaire providing an activity, service or facility at Seattle-Tacoma International Airport under lease or contract from the Airport. Agency also requires such tenants, contractors and concessionaires to require Title VI assurances from their subcontractors.

Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Port of Seattle Executive Director/Agency Administrator as

delegated by the Port Commission. The Agency Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

for David K. Leiby, C.O.O.
Stephen P. Metruck, Executive Director

11/18/22
Date

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, 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.

Section 520 of the Airport and Airway Improvement Act of 1982 expanded the coverage of protected classes to include sex and religion, but Section 520, codified in 49 USC Section 47123, applies only to recipients of FAA funds.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships

See Exhibit 3

B. Staffing and Structure

Agency Administrator

The Executive Director/Agency Administrator is authorized to ensure compliance with provisions of the Agency's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency's grants compliance function and Title VI coordination shall be performed under the authority of the Executive Director/Agency Administrator.

Title VI Coordinator

The Title VI Coordinator, Senior Director of the Office of Equity, Diversity, and Inclusion, performs the duties of the Title VI Coordinator and ensures implementation of the Agency's Title VI Federally Funded Transportation Program. The Coordinator has other duties and responsibilities in addition to Title VI. The Title VI Coordinator has a reporting relationship and access to the Executive Director.

Title VI Specialists

Additionally, the Agency has designated Title VI Specialists (Specialists) in departmental special emphasis program areas. The Specialists, designated below, shall work in concert

with the Title VI Coordinator. These key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing Agency directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, creed, and sex of participants in, and beneficiaries of federally funded Agency transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

C. Title VI Specialists

Official Job Titles and Specific Responsibilities in Title VI Implementation Activities

Aviation Property Manager 2, Aviation Division

Responsibilities:

Act as a resource for all Port operating divisions in the management of right-of-way activities associated with public work projects, including appraisal of property, negotiation of terms and conditions for acquisition, and assistance in relocation of displaced individuals, businesses, farm operations, nonprofit organizations and property management. Act as a resource for Aviation, Maritime and Economic Development Divisions in any disposition of interests in real estate that have been acquired in conjunction with a project that has received federal funds so that any deed, lease, permit or easement agreement used to convey an interest in such real estate has all necessary Title VI Assurances and otherwise complies with Title VI. Specialist will review real estate acquisitions connected with public work projects and provide support across Divisional lines to Port staff working on such acquisitions to:

- a) Ensure equal opportunity in all aspects of procuring real estate services, including appraisal services;
- b) Maintain data on awards to minority and female appraisers;
- c) Ensure that real estate acquisitions for public work projects follow guidelines in the Right of Way Manual for property acquisition as well as applicable laws;
- d) Ensure that real estate acquisitions for public work projects provide copies of applicable relocation assistance literature and copy of Title VI Compliance brochure to all affected parties;

- e) Ensure that owners and tenants of properties being acquired as part of public work projects are apprised of rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Ensure that Title VI language and assurance statements are incorporated in all surveys of owners and tenants after conclusion of business;
- f) Coordinate preparation of deeds, permits, easements and leases to ensure inclusion of appropriate clauses, including Title VI Assurances;
- g) Ensure appraised values and communications associated with appraisal and negotiation reflects equitable treatment;
- h) Ensure comparable replacement dwellings are available and assistance given to all displaced persons and entities by the acquisition process; and
- i) Maintain statistical data including race, color, national origin, sex and creed on all relocatees affected by federally funded projects, and provide demographic data quarterly to Title VI Coordinator.

Senior Aviation Environmental Program Manager, Environmental Programs, Environment & Sustainability Division

Senior Maritime Environmental Program Manager (Maritime), Environment & Sustainability Division

Community Engagement Director, External Relations

Environmental Engagement Senior Program Manager, External Relations

Maritime Community Engagement Program Manager, External Relations

Senior Environmental Engagement Program Manager, External Relations

Responsibilities:

For Airport public work projects that receive federal financial assistance, and for the planning activities of Airport, the Environmental Program Manager along with the Aviation Community Relations Manager and External Relations staff will implement Title VI compliance requirements as set forth below. For Maritime Division and Economic Development Division, public work projects that receive federal financial assistance and for the planning activities of those Divisions, the Senior Manager, Environmental Programs along with the External Relations Community Engagement Director and their staff will implement Title VI compliance requirements as set forth below:

- a) Dependent on scope, complexity and impacts of project, each project must meet the obligations of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA);
- b) Title VI requirements are incorporated into the NEPA and SEPA process;
- c) NEPA and SEPA have requirements for public involvement. Where public involvement is required, when possible, actions will be taken to obtain demographic data through the use of a voluntary self-reporting form for indicating race, gender and national origin; and
- d) For all public work projects receiving federal financial assistance, External Relations Community Engagement staff will assist to:

- i. ensure meetings will be conducted in buildings along transit routes and when projects will specifically affect minority communities, ensure meetings are located in those communities; and
- ii. ensure interpretation/translation services will be made available if census data for affected communities indicate a population with Limited English Proficiency.

Community outreach activities will be managed by the External Relations Community Engagement Director for all but Airport projects. Community outreach activities for federally funded public work projects at the Airport will be coordinated by the Aviation Community Relations Manager.

Manager, Aviation Planning Program, Aviation Division
Airport Operations: Landside Operations Senior Manager, Aviation Division
Environmental Engagement Senior Program Manager, External Relations
Responsibilities:

Coordination with local transit authorities/transportation providers in planning and location activities related to Light Rail transportation and bus service.

Implement Title VI by:

Consistent with 49 CFR Part 21, coordinating transportation service with local transit authorities/transportation providers such as Sound Transit and King County Metro to ensure that disadvantaged areas of nearby communities have access to transportation to the Airport. This should not be read as either a requirement or authorization to pay for the transportation needs of individuals.

As a limited purpose government and port district, the Port does not directly provide transportation services to citizens. The Port has coordinated with Sound Transit to facilitate extension of Light Rail to the Airport from the Tukwila station (Sound Transit's Airport Link project) and from the Airport to S. 200th St (Sound Transit's South Link project). This has involved working with Sound Transit and the City of SeaTac to identify a Light Rail corridor and passenger connection to the Airport for customers and employees as well as coordinating planning and design of existing and future Port roadways with Light Rail design. In addition, the Port coordinated construction of a needed roadway enhancement and relocated a portion of the North Airport Expressway to optimize the Light Rail alignment to the Airport. Facilitating delivery of the Airport Link and South Link Light Rail projects have required the Port to: grant easements to Sound Transit across Port property; dedicate staff time for design review and project management; and cost share in property acquisition.

Sound Transit evaluated the demographics of use of the light rail system and that a majority of the riders were anticipated to be workers. Light rail provides accessibility to the airport and by rail and a pedestrian corridor that connects to the residential area to the east of the airport.

The bus service on the Airport's lower drive is provided by Sound Transit while King County Metro operates all routes on International Blvd. The Port's Aviation Operations department has provided feedback to King County Metro on the routes served at the Airport.

Aviation Facilities and Infrastructure Manager, Aviation Division

Responsibility:

Nondiscrimination notice signage at the Airport

Implement Title VI by:

Consistent with 49 CFR Part 21 and 28 CFR 42.405(c), ensure that sign(s) furnished by FAA are conspicuously displayed in main public area(s); signs should state discrimination based on race, color, national origin, etc. is prohibited.

Airport Customer Service Manager, Aviation Division

Responsibility:

Making available copy of 49 CFR 21 to the public and providing information about Part 21 as it relates to programs receiving financial assistance.

Implement Title VI by:

Consistent with 49 CFR Part 21, ensure that copy of 49 CFR 21 is available to the public during normal working hours and provide information to the public regarding Part 21 as it relates to the program receiving financial assistance.

Service Agreements Senior Manager, Central Procurement Office

Responsibilities:

Manage the procurement process through which consultants, including engineering firms, are recommended for selection and contract award.

Construction Contracting Senior Manager, Central Procurement Office

Responsibilities:

Public work contracting activities (including construction, repair and maintenance other than ordinary maintenance that fall under public work)

Implement Title VI by:

- a) Obtain Legal Department review of any template consultant and public work construction contract documents in use or proposed for use to ensure inclusion of Title VI assurance and necessary language. Refer to Legal for periodic review of documents and language to ensure compliance with current laws and regulations. Provide a copy of the forms of contracts to Legal, as well as any amendments or updates when they occur.
- b) Work with Diversity in Contracting Department and the Economic Development Division to maintain demographic data on the use of women and minority-owned consulting firms, and provide information to Title VI Coordinator for use in preparing the Annual Update Accomplishment Report.

- c) Include Title VI language in request for proposal and public work bid announcements and applicable public work construction documents as stipulated in Agency's Title VI Policy Statement and Assurances.
- d) Award public work construction contracts to lowest responsive and responsible bidder.
- e) Include Title VI language in prime contract award letters to encourage use of Disadvantaged Business Enterprise (DBE) subcontractors and vendors.

Airport Dining and Retail Senior Manager, Aviation Division

Responsibility:

Notify Minority Business Community of Concessions business opportunities.

Implement Title VI by:

- a) Consistent with 49 CFR Part 21, ensure that the minority business community in the area of the Airport is advised of opportunities offered by the Aviation Concessions Business Group by advertising in minority publications and non-English publications, where appropriate.
- b) Ensure bids are solicited from qualified minority firms and awards are made without regard to race, color, or national origin.

Aviation Community Engagement Senior Program Manager, External Relations

Environmental Engagement Senior Program Manager, External Relations

Responsibilities:

Assessment of needs and planning to meet Limited English Proficiency needs when communities affected by federally assisted public work projects have LEP population. Aviation Community Relations Manager, in consultation with External Relations' Community Engagement Director will be responsible for the work below to be used as a resource Port-wide.

Implement Title VI by:

- a) Consistent with DOT Guidance in Federal Register JA 2201-233, take reasonable steps to eliminate barriers to meaningful communication with Limited English Proficiency individuals and provide necessary services equivalent to those provided to people who are fully English proficient.
- b) Support implementation of a language assistance program. Whether a program is effective will be determined based on the totality of circumstances, but will consider the following elements:
 - i. Undertake outreach to ensure LEP individuals are aware of availability of language assistance services free of charge; coordinate posting of signs in regularly encountered LEP languages in waiting areas, initial points of entry, translate application and instructional forms, include statements about free language assistance services in publications.

Diversity in Contracting Director, Economic Development Division
WMBE Program Manager, Economic Development Division
DBE Program Manager, Economic Development Division

Responsibilities:

Reports, Data, Records; Assist Port staff across Division lines, particularly Economic Development Division, Central Procurement Office, Aviation Concessions Business Group, with outreach to communities affected by Port projects and to minority business community. Review federally funded projects to see whether DBE goals can be applied, include DBE goals where applicable, ensure prime contractors with DBE requirements award work to qualified DBEs that perform commercially useful functions; coordinate gathering of information regarding DBE participation.

Implement Title VI by:

- a) Consistent with 49 CFR Section 21.9, collect racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Port's programs;
- b) Assist in providing access to books, records, accounts to FAA or WSDOT or other federal or state authorities to ascertain compliance with regulations. Assist to obtaining requested information;
- c) Consistent with 28 CFR Section 42.406, maintain data on present/proposed membership by race, color and national origin of any planning or advisory body that is an integral part of Port's programs;
- d) Maintain data regarding use of bilingual employees or other contracted services serving persons with Limited English Proficiency;
- e) Work with Economic Development Division to maintain data on steps used during relocation to guard against unnecessary impact on persons based on race, color or national origin;
- f) Maintain data on existing or proposed facilities to determine whether location will have effect of unnecessarily denying access based on prohibited discrimination;
- g) Assist Concessions Business Group, Central Procurement Office and Diversity in Contracting with outreach to minority business community and with ensuring solicitation of bids from qualified minority firms;
- h) Review all federally funded projects to see whether DBE goals can be applied and include DBE provisions as appropriate;
- i) Work with Central Procurement Office to include DBE goals in designated projects and seek to proactively achieve the goals;
- j) Work with prime contractors to ensure prime contractors with DBE requirements award contracted work to qualified DBEs that perform commercially useful functions;
- k) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations; and
- l) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report and provide to Title VI Coordinator.

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Executive Director/Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Agency's compliance with Title VI requirements as follows:

A. Program Administration

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Agency Administrator.

B. Complaints

Review written Title VI complaints with the Port's Senior Manager, Workforce Responsibility, that may be received by Agency following the adopted procedural guidelines (see Section V – Complaint Procedures – General and Complaint Procedures Specific to Airport). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection

Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).

D. Environmental Impact Statements

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by Public Works (PW) for projects receiving Federal Highway Administration, Federal Aviation Administration or other Federal assistance.

E. Training Programs

Conduct or facilitate training programs on Title VI issues and regulations for Agency employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients.

F. Title VI Plan Update

Review and update the Agency Transportation Program, Title VI Plan as needed or required. Present updated plan to the Executive Director/Agency Administrator for approval; submit amended Plan to WSDOT.

G. Annual Accomplishment Report

Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by deadline.

H. Public Dissemination

Work with Agency staff to develop and disseminate Title VI program information to Agency employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Agency's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination

Provide the resources of OEDI and work with Title VI Specialists and affected Departments to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Agency processes.

J. Maintain Legislative and Procedural Information

Federal laws, rules and regulations, WSDOT guidelines, the current Agency Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Agency's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other Agency divisions/departments or the public as requested or required.

K. Language Access

Limited English Proficient (LEP) are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes both people who reported to the U.S. Census that they do not speak English well and people who reported that they do not speak English at all. This language barrier may prevent individuals from accessing public services and benefits. The Port of Seattle will develop a plan that:

1. Identify the LEP communities that may need language assistance by reviewing census and data from local organizations, school districts, faith-based groups, and state refugee coordinators.

2. Collect demographic data via surveys or Public Involvement forms of activities with language access needs.
3. Develop written plan for assessing LEP needs, provision of range of written and oral assistance options, and monitoring of program.
4. Develop plan by which all employees likely to meet with LEP individuals are periodically trained on policy, how to access services, how to work effectively with interpreters, cultural and community relations sensitivity.
5. Provide verbal and written language assistance to the communities that frequently use the Port facilities and services.
6. Train the appropriate staff.
7. Provide notice to LEP persons through advocacy organizations
8. Develop and monitor the LEP plan and procedures as appropriate.

IV. NHI Education and Title VI Training

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

A. National Highway Institute (NHI) Education

The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to OEDI employees. Appropriate staff will establish a policy for the selection of participants interested in taking part in the National Highway Institute training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, or national origin. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, their title, division, sex, and race for use in completing the annual Title VI accomplishment report.

B. Title VI Training

The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other Agency employees. The Coordinator will organize, facilitate or conduct Title VI training periodically. The Coordinator may organize or facilitate Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract

Compliance Office may be asked to provide applicable training.

C. Selection of Instructors

The Coordinator will collaborate with the Agency's Central Procurement Office to ensure Agency policy is followed in the selection of instructors for Agency training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the Agency will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

V. Complaint Procedures

Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Agency, as well as to sub-recipients, consultants, and contractors. These procedures do not cover complaints of employment discrimination by the Port of Seattle. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the Agency and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

Complaint Procedures: We have been told by the FHWA Headquarters Office of Civil Rights (HCR) that recipients and sub-recipients should not accept, dismiss, or assess the merit of a case before forwarding to the State DOT/FHWA. They should record receipt of the complaint and forward the complaint through the hierarchy up to HCR for their consideration. This applies to any complaint received by a recipient or sub recipient regardless of perceived merit or jurisdiction.

FHWA HCR Headquarters has indicated that the decision to accept a complaint is largely based on whether there has been a disparate impact, disparate treatment, or retaliation against protected populations on the basis of race, color, and/or national origin, including Limited English Proficiency. While FHWA does use the legal frameworks described in the DOJ manual, federal agencies have a fair amount of discretion in whether to accept complaints. That said, unlike in civil court, there is no burden of proof for a complainant to establish a prima facie case. It is ultimately up to the federal agency (rather than recipients) to determine whether there's sufficient evidence to investigate or make a finding.

Jackie Bayne is the Title VI Liaison for the Washington State Department of Transportation. Per the Title VI Plan, Local Agency Guideline Manual, and complaint process, all Title VI complaints must be submitted to WSDOT Office of Equal Opportunity. WSDOT OEO will submit them to our FHWA contact (who then confers with DC to determine jurisdiction).

B. Procedures – General

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Title VI Coordinator. Unless otherwise provided in Procedures Specific to the Airport, a formal complaint must be filed within 180 calendar days of the alleged occurrence. The Agency will not officially act or respond to complaints made verbally. If a verbal complaint is received, the complainant will be instructed to submit a written complaint to the attention of the Title VI Coordinator. Accommodation will be provided upon request to individuals unable to file a written complaint due to disability.
2. Upon receiving the written complaint, the Agency will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Agency may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan. Provided, however, if the complaint relates to the Airport, the Procedures Specific to the Airport will apply.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Agency the appropriate division and/or agency shall be notified of the complaint, within 15 calendar days.
4. Once the Agency decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the Agency assumes investigation of the complaint, the Agency will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Agency with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for Agency's Senior Director and Executive Director/Agency Administrator. The report shall include a narrative description of

the incident, identification of persons interviewed, findings and recommendations for disposition.

7. The recommendation shall be reviewed by the Legal Department. The Legal Department may discuss the report and recommendations with appropriate departmental staff. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and Agency's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. An annual Log of Complaints must be maintained by each agency. The Log of Complaints 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

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself.

C. Procedures – Specific to Airport

These procedures apply to discrimination based on race, creed, color, or national origin by airport employees, contractors, concessionaires, lessees, or tenants of the Seattle Tacoma International Airport or at Airport facilities. The procedures do not cover complaints of employment discrimination by the Port, but cover complaints under Title VI of the Civil rights Act of 1964 and the Civil Rights Restoration Act of 1987. These procedures cover any program or activity administered by Seattle-Tacoma International Airport.

Any person who feels that they have been subjected to discrimination on the basis of race, creed, color, or national origin has the right to file a complaint with the Airport to the attention of the Title VI Coordinator. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside agency, such as the U.S. Department of Transportation or Federal Aviation Administration (FAA), or to seek private legal counsel regarding discrimination.

1. Complaints must be filed within 90 days after the discriminatory event, must be in writing and must be delivered to: Title VI Coordinator, Address: P.O. Box 1209, Seattle, WA 98111; phone number 206-787-4066 or via email to mailbox.t3@portseattle.org.
2. If a complaint is initially made by phone, it must be supplemented with a written complaint within 90 days after the discriminatory event. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.
3. The Title VI Coordinator will record and forward a copy of complaints alleging what amounts to a Title VI violation by airport employees, contractors, concessionaires, lessees, or tenants, relative to the Airport's aviation activities, to the FAA within 15 days of receipt along with a statement describing all actions taken thus far to resolve the matter to FAA, Civil Rights staff in New England or Eastern Region (since the Title VI program is based out of these regions and these regions handle Title VI matters nationally). The Title VI Coordinator will also try quickly and fairly resolve disputes with complainants through negotiation and alternative dispute resolution. For information on filing a complaint directly with DOT/FAA, contact the Title VI Coordinator.
4. The Senior Manager of Workplace Responsibility may meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible.
5. The Title VI Coordinator or designee will promptly investigate all discrimination complaints, including those referred to the FAA for investigation. Every effort will be made to complete the investigation within 60 calendar days after the complaint is received, but some investigations may take longer. In investigating a complaint that has been referred to the FAA, the Title VI Coordinator will cooperate with the FAA when possible and share factual information with the FAA.
6. Following the conclusion of the investigation, the Title VI Coordinator will transmit to the complainant a letter of findings and determination as to whether unlawful discrimination occurred based upon the investigation. The letter will describe the complainant's appeal rights.

7. If the complainant disagrees with the written response or conclusion, the complainant may appeal in writing to the Airport's Managing Director. The written appeal must be received within ten (10) business days after receipt of the written decision. The written appeal must contain all arguments, evidence and documents supporting the basis for the appeal. The Managing Director of the Airport will issue a final written decision in response to the appeal.
8. Along with copies of complaints, a summary of the investigation, any response and letter of findings and determination will be forwarded to the FAA.

VI. Sub-Recipient Review and Remedial Action Procedures

A. Title VI Review of Sub-recipients of Federal-Aid Highway Funds

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

B. Post-Grant Reviews

The Coordinator will collaborate with DBE staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of Federal-aid highway programs at either the Agency or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Agency will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Agency will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, the Agency will reduce to writing any recommended remedial action agreed upon by the Agency and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time

frame, Agency will submit to WSDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

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

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. Planning Process

As a limited purpose government and port district, the Port does not directly provide transportation services to citizens. The Aviation Planning Department coordinated with Sound Transit to facilitate extension of Light Rail to the Airport from the Tukwila station (Sound Transit's Airport Link project) and from the Airport to S. 200th St (Sound Transit's South Link project). This involved working with Sound Transit and the City of SeaTac to identify a Light Rail corridor and passenger connection to the Airport for customers and employees as well as coordinating planning and design of existing and future Port roadways with Light Rail design. In addition, the Port coordinated construction of a needed roadway enhancement and relocated a portion of the North Airport Expressway to optimize the Light Rail alignment to the Airport. Facilitating delivery of the Airport Link and South Link Light Rail projects have required the Port to: grant easements to Sound Transit across Port property; dedicate staff time for design review and project management; and cost share in property acquisition.

Sound Transit evaluated the demographics of use of the light rail system and that a majority of the riders were anticipated to be workers. Light rail provides accessibility to the airport and by rail and a pedestrian corridor that connects to the residential area to the east of the airport.

The bus service on the Airport's lower drive is provided by Sound Transit while Metro operates all routes on International Blvd. The Port's Aviation Operations department has provided feedback to Metro on the routes served at the Airport.

Consistent with 49 CFR Part 21, Aviation Planning and Aviation Operations coordinate transportation service with local transit authorities/transportation providers such as Sound Transit and Metro to ensure that disadvantaged areas of nearby communities have access to transportation to the Airport. This should not be read as either a requirement or authorization to pay for the transportation needs of individuals.

2. Authorities

23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning;
RCW 47.80 Regional Transportation Planning Organization (RTPO)

3. Public Involvement in Planning Activities & Title VI

- a) 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 public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
- b) External Relations, Aviation Community Partnerships, and Environmental 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. Information from the completed forms will be provided to Title VI Coordinator.
- c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the Agency, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

B. Consultant Contracts Activities

1. Consultant Contracts Administration

The departments within Corporate and Operating Divisions (Aviation, Maritime, and Economic Development) that have requested consulting services are responsible for recommending consultant firms to the Agency for final selection, negotiation and award. The department requesting the consultant services and for whom the consultant performs services will administer the consultant contract.

2. Authorities

Port Commission Resolution 3605 as amended and Central Procurement Office policies and procedures. WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172.

3. Consultant Selection Process

Central Procurement Office staff will request 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 or preparing NEPA or SEPA documents for public works projects. Consultant selection from the certified list maintained by the Central Procurement Office adheres to Washington State regulations (RCWs) and is consistent with Agency vendor policies.

4. Title VI Assurances and Provisions

- a) Include Disadvantaged Business Enterprise (DBE) goals, if applicable, in designated projects, and seek to proactively achieve the goal(s).
- b) Include Title VI assurance and provision language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.
- c) The Central Procurement Office will maintain updated demographic data on the utilization of women-and minority- owned consulting firms. Such information will be provided to the Coordinator for use in preparing the Annual Update Accomplishment Report.

C. Design & Engineering / Environmental Activities

1. Permitting Projects

Aviation Environmental Division and the Environmental and Sustainability Division are responsible for the Capital Improvement Program (CIP) and environmental permitting for projects. Studies are performed to assess various environmental factors as they relate to the implementation of the Agency's Annual Road Program, including evaluating demographic data.

2. Authorities

Local Agency Guidelines - WSDOT- M36-63; Standard Plans For Road, Bridge and Municipal Construction-WSDOT; APWA - M21-01; Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898.

3. Design /Environmental Review Process and Title VI

For Airport public work projects that receive federal financial assistance, and for the planning activities of Airport, the Environmental Program Manager along with the Aviation Community Relations Manager and External Relations staff assigned to the Airport will implement Title VI compliance requirements as set forth below. For Maritime Division and Economic Development Division public work projects that receive federal financial assistance and for the planning activities of those Divisions, the Senior Manager, Environmental Programs along with the External Relations Community Engagement Director and their staff will implement Title VI compliance requirements as set forth below:

- a) Dependent on scope, complexity and impacts of project, each project must meet the obligations of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA);

- b) Title VI requirements are incorporated into the NEPA and SEPA process; and
- c) NEPA and SEPA have requirements for public involvement. Where public involvement is required, when possible, actions will be taken to obtain demographic data through the use of a voluntary self-reporting form for indicating race, gender and national origin; and
- d) For all public work projects receiving federal financial assistance, External Relations Community Engagement staff will assist to
 - i. ensure meetings will be conducted in buildings along transit routes and when projects will specifically affect minority communities, ensure meetings are located in those communities; and
 - ii. ensure interpretation/translation services will be made available if census data for affected communities indicate a population with Limited English Proficiency.

Community outreach activities will be managed by the External Relations Community Engagement Director for all but Airport projects. Community outreach activities for federally funded public work projects at the Airport will be coordinated by the Aviation Community Relations Manager.

- e) For Airport-related federally funded transportation projects, Disadvantaged Business Enterprise staff shall work with the Environmental Program Manager or Aviation Community Relations Manager to generate a map of the federally funded transportation project(s) to include demographic data of the neighborhoods affected by the project(s). For Maritime Division and Economic Development Division federally funded transportation projects, DBE staff shall work with the Senior Environmental Program Manager and External Relations Community Engagement Director to generate a map of the federally funded transportation project(s) to include demographic data of the neighborhoods affected by the project(s). Any such map generated shall be provided to the Title VI Coordinator on an annual basis.

D. Right-of-way Activities

1. Real Property Services

The Economic Development Division manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

2. Authorities

Right of Way Manual; 23 CFR 130; 49 CFR 24; RCW Chapter 47; WAC 468.100.

3. Right-of-way Activities and Title VI

- a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Agency vendor procurement policies in the acquisition of contracted services.
- b) Utilize current Washington State's Office of Minority & Women's Business Enterprises directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
- c) 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.
- d) Adhere to departmental policy of appraising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT and a copy of the Agency Title VI Compliance brochure to all affected parties.
- e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
- f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- g) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- h) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. Project Construction Management

Engineering Construction Services is responsible for management of all new construction contracts and inspecting bridges if applicable. Aviation Project Management staff is responsible for oversight and the administration of transportation construction projects.

2. Authorities

Construction Manual M41-01; Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction

3. Maintenance

Maintenance staff in Aviation Maintenance or Maritime Maintenance, depending on location of facilities to be maintained, is responsible for an efficient program for

maintaining Port-owned roads, bridges, and parks/public access sites, if any, by economically utilizing the resources of contractors, equipment, and materials.

4. Authorities

Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10); Clark Agency Road Standards

5. Compliance with Title VI in Public Work Activities

Construction, Repair and Maintenance other than ordinary maintenance is the joint responsibility of the Central Procurement Office, Aviation and Maritime Project Management Groups, Engineering Services and Port Construction Services.

- a) Central Procurement Office (CPO) will review all federally funded projects for application of DBE goals. As appropriate and as determined by the Diversity In Contracting Department (DCD), CPO will include DBE provisions in those projects with designated goals. Central Procurement Office will include Title VI language in request for proposals and public work bid announcements and applicable public work construction documents, as stipulated in the Agency's Title VI Policy Statement and Assurances (Addendum 2) herein.
- b) CPO will award construction contracts on the basis of lowest responsive and responsible bidder, and work with DCD to implement DBE goals/requirements as appropriate. CPO will include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- c) DCD will ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- d) The DCD will monitor all public work operations to ensure nondiscrimination throughout all operations.
- e) DCD and CPO will coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report and provide to the Coordinator.

VIII. Appendix

A. Exhibit 1

Port of Seattle/Agency Title VI Notice to the Public

The Port of Seattle hereby gives public notice that it is the Port'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, as well as Section 520 of the Airport and Airways Improvement Act of 1982. Title VI and Section 520 together

require that no person shall, on the grounds of race, color, sex, creed, 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, FAA program, or other activity for which the Port 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 Port. Any such complaint must be in writing and filed with the Port's Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the office of the Title VI Coordinator at no cost to the complainant by sending an email to mailbox.t3@portseattle.org.

B. Exhibit 2

Port of Seattle/Agency Title VI Assurances - General

The Port of Seattle (aka Agency) in the State of Washington, (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements: Agency in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in

- Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
3. That the Recipient shall insert the clauses of Exhibit 2B to this Assurance in every contract subject to the Act and the Regulations.
 4. That the Recipient shall insert the clauses of Exhibit 2C to this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
 5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall 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 shall extend rights to space on, over or under such property.
 7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
 8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
 10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation

under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

C. Exhibit 2A

Title VI Grant Assurances – Specific to Airport

Agency, upon application for its first grant to purchase land or an airport or noise implementation project involving construction, executed the complete standard DOT Title VI assurances.

In subsequent grants, Agency includes the Civil Rights Grant Assurance as provided in the grant application package for all FAA-assisted contracts. These assurances can also be found on the internet at [https://www.faa.gov/airports/aip/grant assurances](https://www.faa.gov/airports/aip/grant%20assurances).

- a) All contracts, leases, deeds, licenses, permits or other similar instruments, not only those resulting from the first grant, but in all instruments from that point on, contain the contractual requirements and clauses outlined in Exhibits 2B, 2C, and 2D.
- b) The general civil rights provision is inserted into all contractor, tenant, concessionaire, and lessee agreements. Further Agency requires this provision be included in all subcontracts, subleases and other agreements at any tier.

D. Exhibit 2B

Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers, and Manufacturers

Agency will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, creed, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including

employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Agency or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to Agency, or the Washington State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Agency and the Washington State Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Agency or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Agency enter into such litigation to protect

the interests of the Agency and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

E. Exhibit 2C

Granting and Habendum Clauses

When Agency is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

GRANTING CLAUSE

NOW, THEREFORE, Agency, as authorized by law, 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 Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto Agency all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto Agency, 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 the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Agency, its successors, and assigns.

Agency, 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 shall on the grounds of race, color, sex, creed, 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) ¹

(2) that Agency, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21,

¹ *Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of Civil Rights Act of 1964.*

Nondiscrimination of Federally assisted programs of the Department of Transportation -
- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and

(3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

F. Exhibit 2D

Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by Agency:

The LESSEE, for themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed 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, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the Agency shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Agency:

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that

(1) no person, on the grounds of race, color, sex, creed, or national origin shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,

(3) that the LESSEE shall use the premises 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 may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Agency shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

**Port of Seattle Organizational Chart
Title VI Coordination**

