

City of Bellingham, Washington

Title VI Plan



August 2024

Administrator:

Kim Lund, Mayor

Mailing Address: 210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8100

E-mail: kjlund@cob.org

Head of Transportation-Related Services:

Michael Olinger, Public Works Interim Director

Mailing Address: 2221 Pacific Street, Bellingham, WA 98229

Phone: (360) 778-7725

E-mail: molinger@cob.org

Joel Pfundt, Public Works Interim Director

Mailing Address: 2221 Pacific Street, Bellingham, WA 98229

Phone: (360) 778-7778

E-mail: jfpfundt@cob.org

Prepared by:

Title VI Coordinator:

Holly Pederson, ADA/Title VI Coordinator

Mailing Address: 210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-7950

E-mail: hdpederson@cob.org; ADA@cob.org

City of Bellingham Title VI Plan Table of Contents

I.	Title VI Policy Statement.....	3
II.	Americans with Disabilities Act (ADA) Information.....	3
III.	Translation Services.....	3
IV.	Organization, Staffing and Structure.....	4
	City of Bellingham Organization Chart.....	5
	City of Bellingham Public Works Organizational Chart.....	6
V.	Primary Program Area Descriptions & Review Procedures.....	7
	A. Project Planning Activities.....	7
	B. Project Design.....	8
	C. Right-of-Way.....	9
	D. Communication Services.....	10
	E. Construction.....	11
	F. Maintenance.....	12
VI.	Review Procedures.....	13
VII.	Data Collection/Reporting/Analysis.....	14
VIII.	Title VI Training.....	15
IX.	Title VI Complaint Procedures.....	16
X.	Title VI Complaint Form.....	18
XI.	Public Participation.....	20
XII.	Limited English Proficiency.....	20
XIII.	Environmental Justice.....	23
XIV.	Notice of Title VI Rights.....	23
	USDOT 1050.2A, Standard Assurances with Appendices.....	24

I. Title VI Policy Statement

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

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

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

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

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

Signed:  _____, 2024
Kim Lund, Mayor Date

II. Americans with Disabilities Act (ADA) Information

Alternative formats of this document are available by calling (360) 778-7950 or 711 (WA Relay Services) or by emailing ADA@cob.org.

III. Translation Services

To request a free interpreter and translated documents, call (360) 778-7950 or email ADA@cob.org.

IV. Organization, Staffing and Structure

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

The City of Bellingham has created the position of ADA/Title VI Coordinator to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of ADA/Title VI Coordinator is located within the Public Works Department.

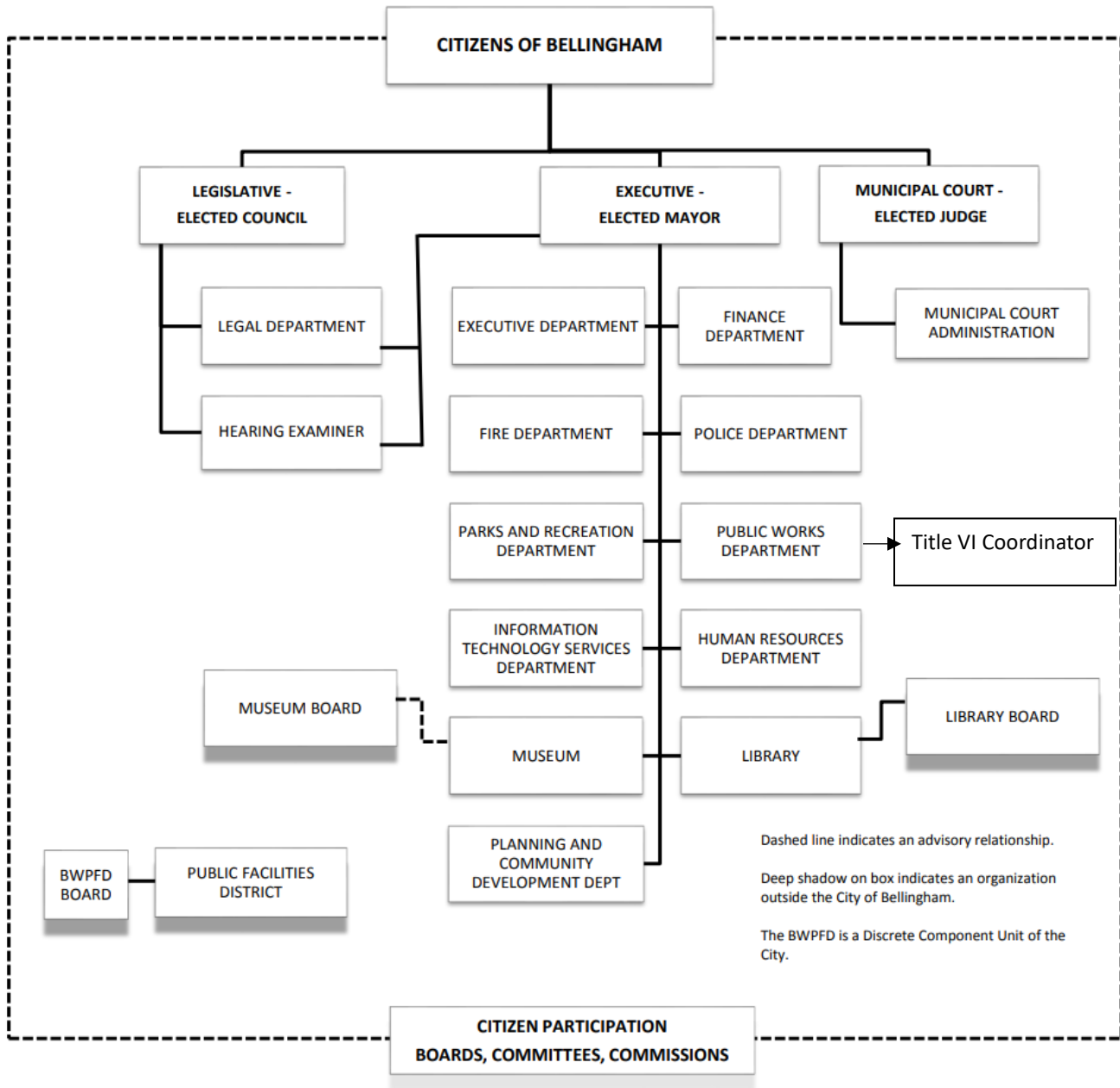
The ADA/Title VI Coordinator is responsible for:

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

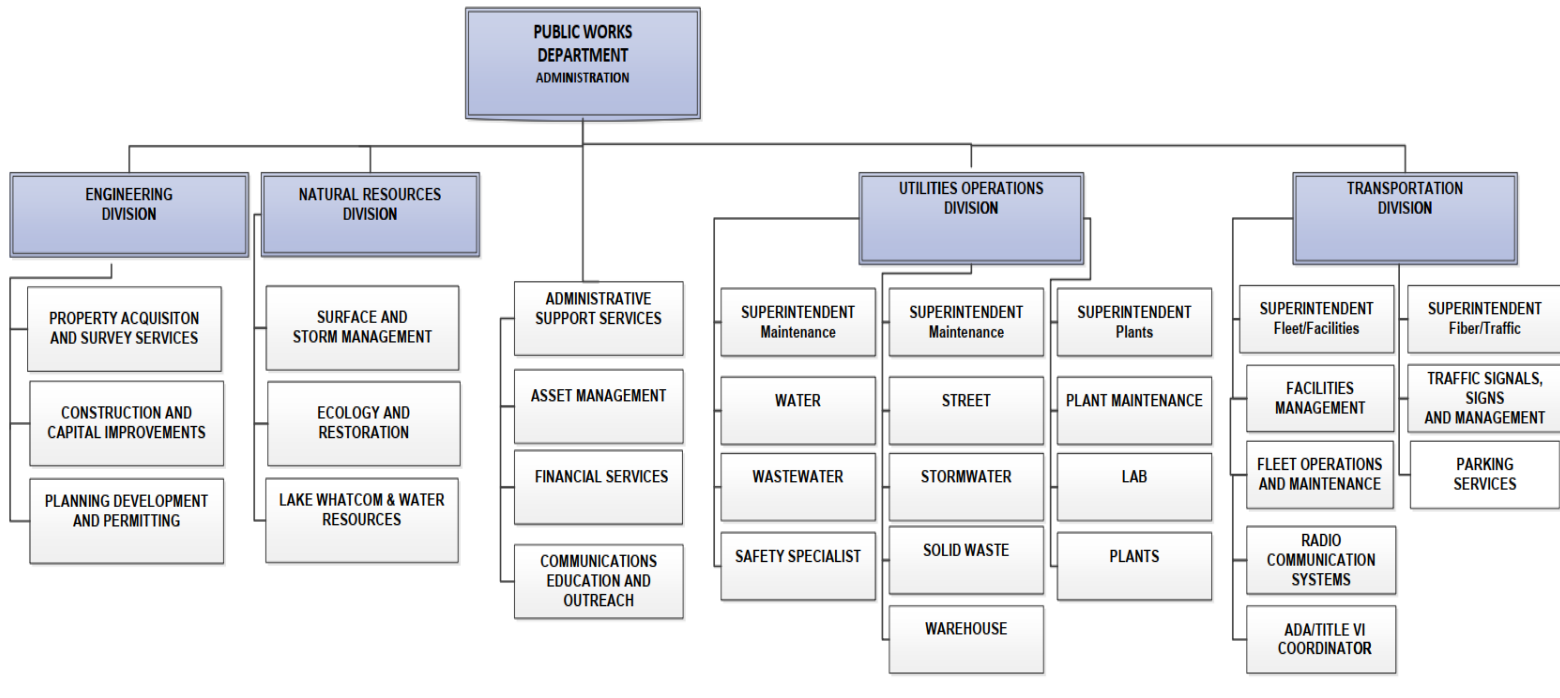
City of Bellingham Organization Chart provided on the following page.

The Mayor is responsible for ensuring the implementation of the City’s Title VI program. The Public Works Department ADA/Title VI Coordinator, on behalf of the Mayor, is responsible for the overall management and day-to-day administration of the Title VI program under the direct supervision of the Public Works Operations Superintendent of Communications, Facilities and Fleet.

City of Bellingham Organization Chart



City of Bellingham Public Works Organizational Chart



V. Primary Program Area Descriptions & Review Procedures

Title VI Coordinator’s Responsibilities and Program Administration – As authorized by the Agency Administrator, the ADA/Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Bellingham’s compliance with Title VI requirements. The ADA/Title VI Coordinator works in conjunction with the following divisions and program areas associated with highway transportation to evaluate and monitor Title VI policies and practices:

A. Project Planning Activities

1. General Description

The Public Works Department is responsible for providing long-range planning program development and capital programming necessary to provide efficient transportation services within the City of Bellingham. The department annually updates and coordinates its six-year transportation improvement program (6-Year TIP), which is then adopted by City Council. The update informs other City of Bellingham departments and neighboring jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various departments, local jurisdictions and organizations, citizen groups and private individuals. The 6-Year TIP is guided by the Transportation Element of the City’s adopted Comprehensive Plan. The Transportation Element is informed by the City of Bellingham ADA Transition Plan, Bicycle Master Plan and Pedestrian Master Plan.

2. Title VI/Nondiscrimination Concerns and Responsibilities

The Public Works Department is responsible for ensuring that transportation plans and programs address the diverse needs of the community and that improvements to motorized and active transportation facilities are addressed equitably. The department is responsible for ensuring equal opportunity is provided for individuals to give feedback on the development of transportation reports, programs and plans. The Transportation Element of the Comprehensive Plan is informed by neighborhood open meetings, public comment periods and a public hearing in front of City Council. Additional information regarding the 2025 Comprehensive Plan Period Update and Council & Commission Engagement is available online: [2025 Comprehensive Plan Periodic Update - City of Bellingham \(cob.org\)](#).

Public participation is encouraged by providing multiple channels for feedback, including public hearings, online “Engage Bellingham” project pages, postcards and surveys. Notice is provided in alternate forms/languages depending on the impacted communities. Public meetings for transportation related projects are also held within the community, including predominantly minority communities, when those transportation projects impact the neighborhood and surrounding areas. Public hearings and City Council meetings are typically held in City Hall Council Chambers, where transit routes are available and translation services are provided upon request.

- Public hearings are formal, scheduled opportunities to provide testimony about specific topics during City Council meetings. They are advertised in advance and listed on

published City Council agendas and in the Bellingham Herald. Agendas for each meeting provide details about how to attend in person or online/telephone via Zoom. Public hearing testimony may also be provided in writing.

- Agendas, notices, and minutes of all City Council meetings are available via the City of Bellingham’s website.
- City Council meetings and public hearings are streamed live, with closed captioning, via the City’s website at <https://meetings.cob.org/> and the [City's YouTube channel](#). Members of the public who do not have cable or internet access may listen to the meeting via telephone.
- Members of the public can sign up to speak at meetings. Accommodations are made for people with disabilities and translation is available for limited English speakers, upon request.

3. Review Procedures for Ensuring Nondiscrimination

The City Engineer has primary oversight responsibility for project planning activities. The City Engineer reviews transportation planning activities in consultation with the ADA/Title VI Coordinator to ensure compliance with Title VI. Public Works Project Engineers utilize several tools to evaluate demographic and geographic equity of project planning activities including census data incorporated into City of Bellingham GIS maps (including Limited English Proficiency (LEP) population, racial diversity and median family income), ADA Transition Plan Location Index Score measurements and Pedestrian and Bicycle Master Plan criteria scoring. The City frequently reviews and improves upon its outreach efforts to ensure it reaches as many people as possible, including populations covered by Title VI. Efforts to improve outreach include providing translation and interpretation services as requested (e.g. in person, over the phone and written correspondence), providing different meeting options, mailing postcards and flyers, sending email updates, utilizing City of Bellingham project webpages and “Engage Bellingham” online. The City of Bellingham uses “Engage Bellingham” to engage the community on various City-sponsored projects, planning processes and programs. Feedback collected through “Engage Bellingham” supplements other in-person engagement opportunities, including open houses and focus groups. “Engage Bellingham” is one tool the City uses to make it easier for community members to share their voices – at a time and place of their choice – about City-sponsored projects, planning processes and programs. [Engage Bellingham](#)

B. Project Design

1. General Description

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

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

2. Title VI/Nondiscrimination Concerns and Responsibilities

Consultant contracts for professional services are publicly advertised on the City's website and in the local newspaper, the Bellingham Herald. It is the policy of the City of Bellingham to comply with Title 49 Code of Federal Regulations (CFR) Part 26 to ensure that Disadvantaged Business Enterprises, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. The City of Bellingham does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin.

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

3. Review Procedures for Ensuring Nondiscrimination

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

C. Right-of-Way

1. General Description

The Public Works Department Real Property Division is responsible for managing and coordinating the appraisal and acquisition of real property and relocation assistance services for infrastructure projects. The right-of-way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced

individuals and entities. The Real Property Division ensures equal opportunity in all aspects of procuring real estate consultant services. All right-of-way activities are conducted in accordance with WSDOT LAG Manual Chapter 25.

2. Title VI/Nondiscrimination Concerns and Responsibilities

The City utilizes the Office of Minority and Women's Business Enterprises (OMWBE) directory of certified appraisers and the Washington State Department of Transportation's list of certified appraisers when seeking services. The Real Property Division follows the guidelines in the WSDOT LAG Manual for property acquisition as well as applicable laws and regulations, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The City pays just compensation (fair market value) for acquisition of real property rights needed for project construction and provides equitable treatment of property owners in the appraisal and negotiation process.

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

3. Review Procedures for Ensuring Nondiscrimination

The Public Works Department is responsible for right-of-way acquisition. The Real Property Manager maintains data regarding awards to minority and female appraisers, as well as statistical data (including race, color, national origin and low-income) on all owners of acquired property and relocated persons affected by Federally funded projects. Detailed demographic data is provided to the ADA/Title VI Coordinator on an annual basis.

D. Communication Services

1. General Description

The Public Works Communications Education and Outreach team is responsible for public outreach, involvement and communication support for Public Works projects, activities, and programs. They assist with conducting background research on Public Works projects to determine the community composition and appropriate outreach. Translation and interpretation services will be provided if the need is anticipated or requested. Project Engineers and Project Managers work closely with Education and Outreach staff to provide updates for project plans and encourage feedback from the community.

2. Title VI/Nondiscrimination Concerns and Responsibilities

Adequate time is incorporated into the project communication planning process to invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning and project outreach process. The Public Works Department provides public service announcements for social and traditional media as warranted, engage resident neighborhood advisory committees or planning boards, plan public meetings and generally request public

involvement. Education and Outreach staff assist Project Engineers and Project Managers in providing, as appropriate, LEP populations with useful access to information and inclusion in program and project public outreach and involvement processes. Public meetings are held in accessible meeting locations, including locations along transit routes. Public meetings are held in predominantly minority communities when projects will specifically impact those communities.

3. Review Procedures for Ensuring Non-Discrimination

The Public Works Department is responsible for evaluating and implementing Language Access Plan initiatives and Environmental Justice requirements. Education and Outreach staff assist the ADA/Title VI Coordinator, Project Engineers and Project Managers with Language Access program planning and Title VI compliance for transportation improvement programs and projects. Demographic data is utilized to help identify Limited English affected populations, environmental justice issues and Title VI compliance.

E. Construction

1. General Description

The Public Works Department Project Engineer collaborates with the Finance Department Purchasing Staff and Legal Department to award public works projects through a competitive bidding process, recommends award of construction contracts based on lowest responsive/responsible bidder and assists with award and execution of contract. The Project Engineer administers transportation related public works contracts and ensures compliance with contract provisions, including Disadvantaged Business Enterprise (DBE) goals. The Project Engineer has primary responsibility for managing the project contract including monitoring all construction activities to ensure nondiscrimination throughout all phases of construction. During the construction phase, the Project Engineer works closely with the Communications Education and Outreach Team to provide impacted neighborhoods with construction notices in alternate forms/languages, tailored to the demographics of the impacted neighborhood.

2. Title VI/Nondiscrimination Concerns and Responsibilities

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

Bid documents for construction are publicly advertised on the City's website and in the local newspaper, the Bellingham Herald. It is policy of the City of Bellingham to comply with Title 49 Code of Federal Regulations (CF) Part 26 to ensure that Disadvantaged Business Enterprises, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. The City of Bellingham does not exclude any person from

participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin. All federal construction contracts and all bid packages have appropriate language, goal setting programs and monitoring to address the use of minority firms in capital construction. Project Engineers review information submitted into the Diversity Management and Compliance System (DMCS) through Local Programs on all federally funded projects.

3. Review Procedures for Ensuring Nondiscrimination

The City Engineer has primary oversight responsibility of construction activities. The City Engineer collaborates with the ADA/Title VI Coordinator, Finance Department Purchasing Staff and the Legal Department to periodically review legal updates to documents and contracts to ensure compliance with Title VI requirements for contract language. The Project Engineer provides detailed construction updates to the ADA/Title VI Coordinator on an annual basis, including project name, contract value, type of service, contractor and sub-contractor names, DBE designation and funding source.

F. Maintenance

1. General Description

The Public Works Operations Division maintains and preserves the condition of the City's road system including signs, traffic signals, drainage, paving and bridges. Public Works Operations staff respond to requests, projects and specific events to restore traffic systems, roadway systems and sidewalk connections. Annual maintenance of existing streets and bicycle lanes protects the City's investment in these facilities and ensures adequate quality driving and riding surface at an optimized life-cycle cost. The non-motorized transportation upgrades add sidewalk connections, crosswalks and various bicycle facilities to complete and enhance the citywide Pedestrian and Bicycle non-motorized transportation network and the WTA transit network throughout Bellingham. Public Works Operations staff work closely with Public Works Engineering and Natural Resources to minimize environmental impacts of a project during maintenance and operations.

2. Title VI/Nondiscrimination Concerns and Responsibilities

Public Works Operations Supervisors review transportation related activities and programs to verify maintenance and operations efforts are applied uniformly and fairly.

3. Review Procedures for Ensuring Non-Discrimination

The Public Works Operations Division has oversight responsibility for the City's street system maintenance activities. Annual contracts are typically established for cement concrete repairs, alley grading equipment rental and services and asphalt pavement repair services. The Public Works Operations Supervisors provide detailed annual contract updates to the ADA/Title VI Coordinator, including contractor/sub-contractor names, DBE designation and contract value.

VI. Review Procedures

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

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

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

C. Remedial Actions - When irregularities occur in the administration of federal-aid highway programs at either the City or subrecipient levels, corrective actions will be taken to resolve identified Title VI issues. The City will seek the cooperation of the consultant, contractor or other subrecipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When conducting Title VI compliance reviews, the City will reduce to writing any recommended remedial actions agreed upon by designated Public Works staff and subrecipient and provide a copy of the letter within a period not to exceed 45 days.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the City 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, the City and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VII. Data Collection/Reporting/Analysis

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Outreach and Communication	ACS 5 Year Estimate Demographic and Housing Estimates provided by the U.S. Census Bureau	<p>Demographic Maps - This demographic data is collected and evaluated to determine Limited English Proficient populations. The City overlays this data with demographic maps using GIS technology and project locations. <i>(Refer to Title VI Accomplishments and Goals Reports Appendix A).</i></p> <p>These maps give a visual representation of LEP populations, racial diversity by location and median family income by neighborhood.</p>
		<p>Direct Mailings - Spanish speaking residents represent the largest LEP population in Bellingham. The Public Works Department sends direct mailings to all residents and property owners adjacent to project corridors that includes a statement in Spanish alerting recipients to translation options. Materials are translated to other languages as requested. For City projects and construction notices, the City uses demographic data to determine priorities in outreach efforts and which language to translate materials into.</p>
Language Access	Interpretation Services	The City of Bellingham has established a city-wide contract for staff to utilize on-demand interpreters (through Language Line Solutions) when communicating with the public in-person or over the phone. This service is free of charge to LEP individuals.
	Translation Services	Translated documents are made available upon request. For online website content, the City has initiated a pilot program for translating written content provided on the City's website. The City is working through the process of determining vital documents and how to make those documents accessible to individuals with disabilities as well as LEP individuals.

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Construction and Consultant Contracts	Diversity Management and Compliance System (DMCS)	<p>RFQ's for professional services, including architectural and engineering, are publicly advertised on the City's website and in the local newspaper, the Bellingham Herald. It is policy of the City of Bellingham to comply with Title 49 Code of Federal Regulations (CF) Part 26 to ensure that Disadvantaged Business Enterprises, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts.</p> <p>Project Engineers review information submitted into the Diversity Management and Compliance System (DMCS) through Local Programs on all federally funded projects. All federal construction contracts and all bid packages have appropriate language, goal setting programs and monitoring to address the use of minority firms in capital construction. The City of Bellingham does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, or national origin.</p>

VIII. Title VI Training

In keeping with the City of Bellingham's policy of nondiscrimination, departmental procedures will be established for employees to have equal access to applicable education and training opportunities. Public Works staff will maintain program administration documentation and data necessary for the preparation of annual Title VI reports and will annually provide the necessary data to the ADA/Title VI Coordinator.

The ADA/Title VI Coordinator is responsible for overall Title VI-related training and staff development for applicable City staff. The ADA/Title VI Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The ADA/Title VI Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equity and Civil Rights may be asked to provide applicable training.

IX. Title VI Complaint Procedures

Discrimination Complaint Procedure for City of Bellingham, Washington

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

Complaints related to the Federal-aid programs may be filed with the City of Bellingham and will be forwarded to Washington State Department of Transportation's Office of Equity and Civil Rights. If you need assistance to file your complaint or need interpretation services, please contact:

City of Bellingham Public Works Department 2221 Pacific Street, Bellingham WA 98229 E-mail: askPW@cob.org Phone: (360) 778-7700	OR	Holly Pederson, ADA/Title VI Coordinator 210 Lottie Street, Bellingham WA 98225 E-mail: hdpederson@cob.org ; ADA@cob.org Phone: (360) 778-7950
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Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Bellingham program, service, or activity because of their race, color, or national origin may file a complaint.

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

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact the City of Bellingham ADA/Title VI Coordinator by calling [\(360\) 778-7950](tel:3607787950) or by emailing ADA@cob.org if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the City of Bellingham ADA/Title VI Coordinator by calling [\(360\) 778-7950](tel:3607787950) or by emailing ADA@cob.org.

Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. If a complainant phones the City of Bellingham with allegations, the allegations of the complaint will be transcribed as provided by phone and then the written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available);
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated;

- A description of the alleged discriminatory actions, meaning sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

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

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

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

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

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

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590
CivilRights.FHWA@dot.gov

What happens after a complaint is filed?

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

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

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

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

X. Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact:

City of Bellingham Public Works Department
2221 Pacific Street, Bellingham WA 98229
E-mail: askPW@cob.org
Phone: (360) 778-7700

OR Holly Pederson, ADA/Title VI Coordinator
210 Lottie Street, Bellingham WA 98225
E-mail: hdpederson@cob.org
Phone: (360) 778-7950

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Best time of day to contact you about this complaint: _____

Email: _____

Basis of Complaint (circle all that apply):

Race	Color	National Origin (includes language access)
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Date of alleged incident: _____

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

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

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

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

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

Who _____ When _____

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

Complaint number, if known _____

Do you have an attorney in this matter? _____

Name (print) _____

Phone _____ Address _____

City _____ Zip _____

Signed _____ Date _____

XI. Public Participation

The City of Bellingham is currently drafting a Language Access Plan to adopt city-wide that will provide a standard approach for public engagement. While drafting the Language Access Plan, the City continues to take the necessary steps to evaluate and address outreach and communication efforts for all affected community members, including minority and disability populations. Not only is public engagement important for transportation related projects, but the City of Bellingham also encourages participation and public outreach for all projects and programs. The City is continuing to develop procedures for the following areas:

- Collection and analysis of statistical data of public participants in, and beneficiaries of the specific program/project;
- Establishment of procedures to identify and eliminate discrimination; and
- Identification and implementation of affirmative measures to ensure nondiscrimination.

The City prioritizes continued emphasis on equity and inclusion efforts including investments in language access. When language assistance services are not readily available, LEP individuals will be less likely to participate in or benefit from programs and services. As a result, many LEP persons may not seek out agency benefits, programs or services; may not provide beneficial information or file complaints; and may not have access to critical information provided by the City because of limited access to language assistance services. The City is currently developing standards and guidelines to provide a consistent approach for all departments regarding public engagement and participation opportunities.

XII. Limited English Proficiency

The City of Bellingham is currently drafting a Language Access Plan to adopt city-wide that will provide a standard approach for public communication and engagement in languages other than English, particularly for people with limited English proficiency. The City recognizes the importance of providing the Bellingham community with meaningful access and information regarding City services, programs, activities, and facilities. Establishing standards and guidelines under the Language Access Plan continues our [Commitment to Human Rights](#) and supporting individual's right to be treated with dignity and to live without fear of violence, intimidation, or discrimination based on group identification or personal characteristics.

In the meantime, while the Language Access Plan is being drafted, the applicable demographic information includes the 2021 ACS 5 Year Estimate Demographic prepared by the U.S. Census Bureau. According to this information, the City of Bellingham has a Limited English Proficient population of 3.9%, as outlined on the next page.

Limited English Proficiency by Language (LEP):	(population)	
Spanish	1.8%	1,540
Cantonese and Mandarin	0.5%	461
Other Indo-European languages*	0.5%	429
Vietnamese	0.4%	388
Russian, Polish or other Slavic languages	0.3%	227
Other Asian & Pacific Island Languages	0.2%	162
French, Haitian or Cajun	0.1%	108
Arabic	0.0%	20
Korean	0.0%	19
German or other West Germanic languages	0.0%	17
Other & unspecified	0.0%	15
Tagalog	0.0%	14
Total LEP population	3.9%	3,400

Interpretation services and translated documents are currently available upon request. The Language Access Project Team is evaluating the process for compliance with providing written language assistance outlined in the [Title VI Limited English Proficiency Data Collection Walkthrough \(dot.gov\)](#). By following this process, the City will identify LEP populations and Language Access thresholds. This data will also be used to determine vital documents within City projects, programs, services, and activities.

The key to providing meaningful access for LEP individuals is to ensure effective communication exists between the City and the LEP person. City staff who interact with the public have the potential to interact with LEP individuals. These could include, but are not limited to, program applicants and participants; hotline or information line calls; outreach programs; public meetings and hearings; public access to agency websites; written materials or complaints sent to an agency; agency brochures intended for public distribution; contacts with potential witnesses, victims, defendants; and interactions with detainees and prisoners.

To accomplish effective communication, the City is working through the following steps:

1. For each project/program, identifying demographic data of existing population in the targeted area and analyzing specific language services appropriate to provide.
2. Reviewing the Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations.
3. Providing oral language assistance and on-demand interpreters.
4. Notifying LEP customers of the availability of language assistance services.
5. Identifying and prioritizing translating vital documents into languages other than English.
6. Training staff.
7. Developing written procedures and a Language Access Plan.

The Department of Justice guidance document ([DOJ Guidance](#)) outlines a four-factor analysis to consider when developing a Language Access Plan to ensure meaningful access to the information and services provided. The four-factor analysis includes:

1. The number or proportion of LEP persons served or encountered in the project/program;

2. The frequency with which LEP persons come in contact with the project, program or service;
3. The nature and importance of the program, activity or service; and
4. The resources available to the City and associated costs.

The Safe Harbor Provision outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The U.S. Department of Justice’s (DOJ) safe harbor provision recommends that, at a minimum, government entities translate vital information into another language for each LEP-identified language group. An LEP group is one that constitutes 5% of the population, or 1,000 people, whichever is less.

LEP population and language services: using the USDOJ Four Factor Analysis and Safe Harbor rule, when a county over 80,000 people has 1,000 people speaking a language other than English (LEP), vital documents require translation. Using these USDOJ thresholds, the City of Bellingham is required to translate all vital documents into Spanish. As the City establishes our Language Access Plan and procedures, it will identify vital City documents that require translation. Outreach materials for current projects are often translated, if warranted, based on the population of impacted communities that speak English as a second language.

Effective communication with LEP individuals requires language assistance services to be available. There are two primary types of language assistance services: oral and written. Interpretation is an oral language assistance service. Translation is a written language assistance service.

Interpretation Services - The City of Bellingham has established a city-wide contract (C2200777) for staff to utilize on-demand interpreters (through Language Line Solutions) when communicating with the public in-person or over the phone. This program will provide video services for individuals who are deaf or hard of hearing and need an American Sign Language (ASL) Interpreter, as well as audio and video for other spoken languages. When conducting City business in-person or over the phone, City staff will use the designated language assistance program when they assist LEP individuals, or whenever a LEP individual requests language assistance services. This service is free of charge to LEP individuals. Training and implementation of the Language Line program was completed in 2023 for applicable city staff who interact with the public.

Interpretation services will also be made available at public meetings upon request with advance notice.

Translation Services – Translated documents are currently available upon request. For City projects and construction notices, we use demographic data and the four-factor analysis to determine priorities in outreach efforts and which language we translate our materials into. As part of the Language Access Plan and policy development process, the City has initiated a pilot program for translating content provided on our City website. The City’s website currently provides translation for five languages (Spanish, Punjabi, Vietnamese, Chinese and Russian). The City is also working through the process of determining vital documents and how to make those documents accessible to individuals with disabilities as well as LEP individuals. The draft Language Access Plan will establish City standards and guidelines for translating vital documents such as project notifications, surveys, complaint forms, and letters.

XIII. Environmental Justice

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. The City strives to provide the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn and work. The City coordinates with local community members, local tribes, local government agencies, transportation authorities, universities, and school districts regarding transportation related projects. The City currently provides Environmental Justice reports and Title VI reports for federally funded projects. These reports typically cover the following areas:

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

For City projects, the City considers environmental justice impacts and how it can effectively communicate and ensure full and fair participation of all potentially affected communities. As the City moves forward with its Title VI Plan and Language Access Plan, it will establish guidelines and practices to communicate projects and programs in ways that are meaningful to various cultural groups, bridge cultural and economic differences that affect participation, use communication techniques that enable people to interact, and increase participation by underrepresented groups.

XIV. Notice of Title VI Rights

The City of Bellingham’s Notice of Title VI Rights is available online at www.cob.org. Alternative formats of this notice are available by contacting the ADA/Title VI Coordinator listed below. Language assistance services are available.

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

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Bellingham. Any such complaint must be filed with the City of Bellingham’s ADA/Title VI Coordinator within 180 days following the date of the alleged

discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the City of Bellingham Public Works Department at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

City of Bellingham Public Works Department

Holly Pederson, ADA/Title VI Coordinator

210 Lottie Street, Bellingham WA 98225

E-mail: hdpederson@cob.org

Phone: (360) 778-7950 or 711 (WA Relay Services)

Washington Department of Transportation

Office of Equity and Civil Rights – Title VI

Box 47314

Olympia, WA 98504-7314

TitleVI@wsdot.wa.gov

Phone: (360) 705-7090

ATTACHMENT:

[USDOT 1050.2A, Standard Assurances with Appendices](#)

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

Assurances

DOT Order No. 1050.2A

The City of Bellingham (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

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

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

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

By signing this ASSURANCE, the City of Bellingham also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Washington State Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Washington State Department of Transportation. You must keep records, reports, and submit the material for review upon request to Washington State Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

EXECUTED this 22nd day of August, 2024 for the **CITY OF BELLINGHAM** by:



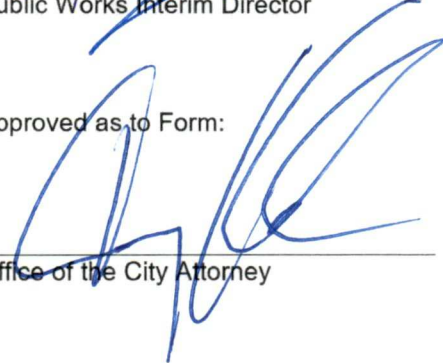
 Mayor

Departmental Approval:


 Public Works Interim Director

Attest:


 Finance Director

Approved as to Form:


 Office of the City Attorney

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bellingham and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Bellingham, its successors and assigns.

The City of Bellingham, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Bellingham will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

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

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Bellingham pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City of Bellingham will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Bellingham will there upon revert to and vest in and become the absolute property of the City of Bellingham 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).