

Nondiscrimination Agreement

Washington State Department of Transportation and City of Shoreline Policy Statement

The City of Shoreline, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient 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 the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's Assistant City Manager is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.



Signature

Acting City Manager

City Manager, City of Shoreline

Title

10-2-20

Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, the City of Shoreline has designated a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for the City of Shoreline's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The City of Shoreline, as Recipient, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Recipient regardless of whether those programs and activities are federally funded or not. Activities and programs which the Recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - See Attachment 2 to this Nondiscrimination Agreement. *(List all major Transportation programs and activities of the recipient and Title VI responsibilities for each one of them.)*
2. That it will promptly take any measures necessary to effectuate this Agreement.
3. That each Transportation program, activity, and facility (i.e., lands change to roadways, park and ride lots, etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this Agreement.
4. That these assurances are 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 Washington State Department of Transportation (WSDOT) under a federally-funded program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Act and Regulations and made in connection with all federally-funded programs and, in all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 (the "Act"), 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 ("Regulations"), hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, 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.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Agreement, 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 a federal aid program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a federal aid program.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Agreement.

Implementation Procedures

This Agreement shall serve as the Recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this Agreement, "Federal Assistance" shall include:

1. Grants and loans of federal funds;
2. The grant or donation of federal property and interest in property;
3. The detail of federal personnel;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. Any federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The Recipient shall:

1. Issue a policy statement, signed by the head of the Recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by WSDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this Agreement. The head of the Recipient shall be held responsible for implementing Title VI requirements.

3. Designate a Title VI Coordinator who has a responsible position in the organization and easy access to the head of the Recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The Title VI Coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this Agreement.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the Recipient.
7. Conduct Title VI reviews of the Recipient and sub-recipient contractor/consultant program areas and activities. Revise, where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by WSDOT Office of Equal Opportunity (“OEO”).
9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year. This report is due one year from the date of WSDOT approval of this Agreement and then annually on the same date.
 - a. Annual Work Plan – Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
 - b. Accomplishment Report – List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the Recipient.

Discrimination Complaint Procedure

1. Any person who believes that they, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the Recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Recipient's Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
 - a. The date of alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the Recipient or its designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the Recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Recipient's investigative procedures.
4. The Recipient will log the complaint, then send the completed form to: ATTN: Complaint Investigations, WSDOT Office of Equal Opportunity, Box 47314, Olympia WA 98504-7314 or email to oeoecrbcomplaints@wsdot.wa.gov or go to website: <https://wsdot.wa.gov/EqualOpportunity/default.htm>. WSDOT will log the complaint form and forward to FHWA Division Office for processing and investigation. FHWA will notify all parties of its findings.
5. Parties shall cooperate with the investigation during efforts to resolve complaints and correct any discrimination found.
6. Retaliation will not be tolerated against any person who reports alleged discrimination, harassment or policy violations or participates as a witness in an investigation.
7. Additional details on Title VI complaint process at WSDOT are outline in the annual report found at <https://wsdot.wa.gov/EqualOpportunity/default.htm>

8. Contacts for the different Title VI administrative jurisdictions are as follows:

Washington State Department of Transportation
Office of Equal Opportunity, Title VI Program
PO Box 47314
Olympia, WA 98466
360-705-7098

Federal Highway Administration
Washington Division Office
711 Capitol Way South, Suite 501
Olympia, WA 98501
360-534-9325

Sanctions

In the event the Recipient fails or refuses to comply with the terms of this Agreement, WSDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this Agreement in whole or in part;
2. Refrain from extending any further assistance to the Recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Recipient;
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the Recipient; or
4. Refer the case to the Department of Justice for appropriate legal proceedings.

**WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION:**



Signature

Local Agency Compliance Lead on behalf of
Director of the Office of Equal Opportunity

Title

October 5, 2020

Date

CITY OF SHORELINE:



Signature

~~City Manager~~ Acting City Manager

Title

10-2-20

Date

Appendix 1

The following shall be included in all contracts entered into by the Recipient subject to the Act and Regulations pursuant to Assurance 6:

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

1. **Incorporation of Provisions** – The contractor shall include the following provisions of paragraphs (2) 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 sub-contractor or procurement as the City or USDOT 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 sub-contractor or supplier as a result of such direction, the contractor may request WSDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

2. **Compliance With Regulations** – The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, Part 21, as these regulations 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.
3. **Nondiscrimination** – The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, 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.
4. **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 sub-contract, including procurement of materials and leases of equipment, each potential sub-contractor 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.
5. **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 the City or the appropriate federal agency 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 WSDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

6. **Sanctions for Noncompliance** – In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

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

Appendix 2

The following clauses shall be included in any and all transportation-related deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to Assurance 7:

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Washington 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 United States 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, (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 the state of Washington 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 the state of Washington, 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 provisions of similar services or benefits and shall be binding on the state of Washington, its successors, and assigns.

The state of Washington, 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 or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed , (2) that the state of Washington, 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, Non-Discrimination 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 Department of Transportation 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.

Appendix 3

The following clauses shall be included in all transportation-related deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to Assurance 8:

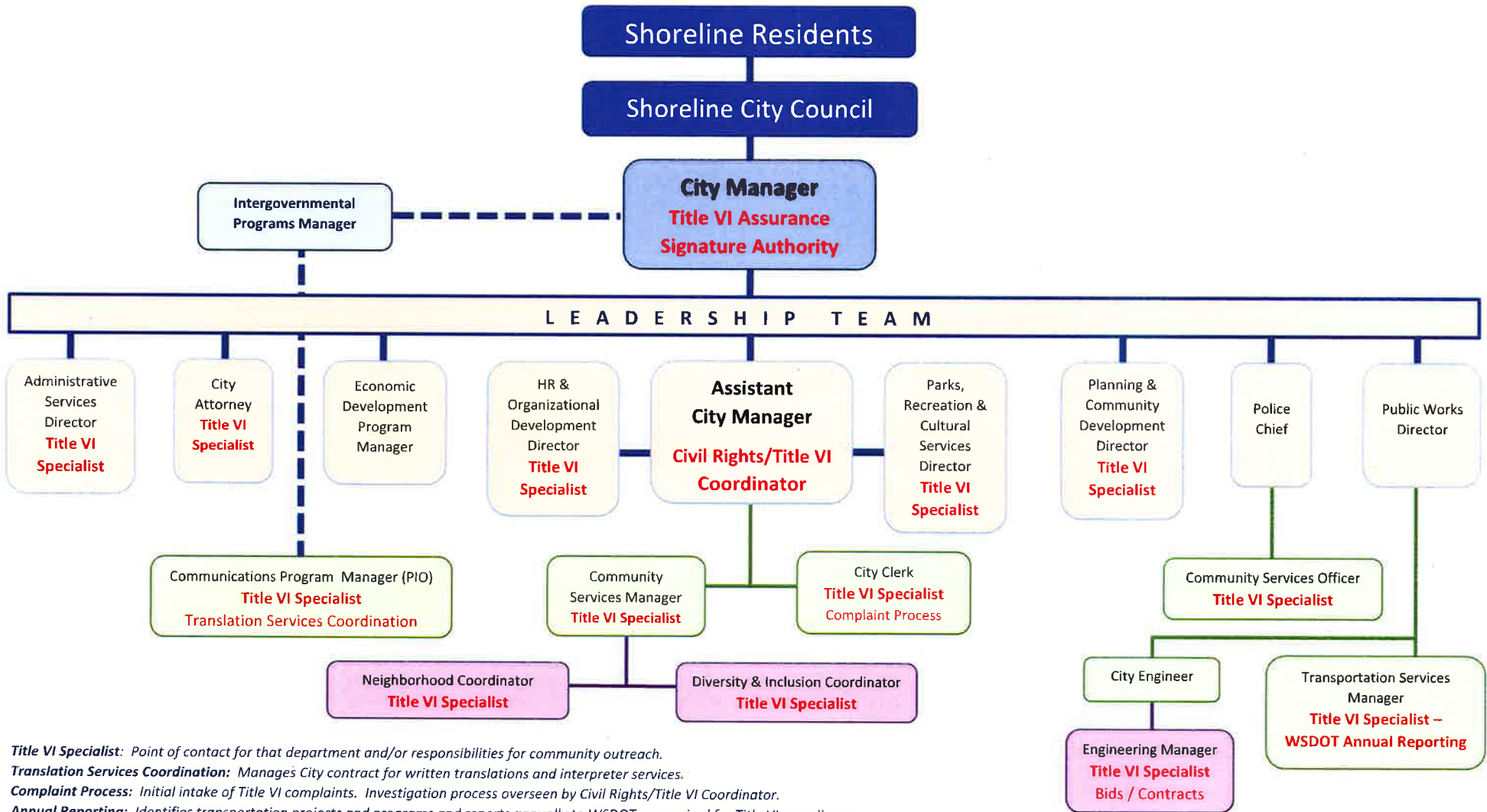
The LESSEE, for themselves and their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a 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, 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, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the LESSOR (City of Shoreline) 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 has never been made or issued.

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 purpose of Title VI of the Civil Rights Act of 1964.

Attachment 1 City of Shoreline Title VI Organizational Chart



Title VI Specialist: Point of contact for that department and/or responsibilities for community outreach.
Translation Services Coordination: Manages City contract for written translations and interpreter services.
Complaint Process: Initial intake of Title VI complaints. Investigation process overseen by Civil Rights/Title VI Coordinator.
Annual Reporting: Identifies transportation projects and programs and reports annually to WSDOT as required for Title VI compliance.

Attachment 2

Major Transportation Programs & Activities and Title VI Responsibilities

The City of Shoreline provides a range of transportation services including several ongoing programs, numerous Capital Projects, and coordination with State and County programs. At any given time, projects may include roadway and/or pedestrian/bicycle improvements; larger projects are often preceded by pre-design studies. Current projects can be viewed on the City webpage at <http://www.shorelinewa.gov/government/projects-initiatives> and the current 6-year Transportation Improvement Plan (TIP) can be viewed on the City's Transportation webpage under Long Term Transportation Planning at <http://www.shorelinewa.gov/government/departments/public-works/transportation-planning>. Following is a brief summary of major transportation programs/projects.

Major Programs / Projects	Title VI Responsibility
<p>Sidewalk Rehabilitation Program</p> <p>This program is in response to Title II, Americans with Disabilities Act (ADA). The City's ADA Transition Plan implements efforts to make reasonable modifications to remove barriers. Assessments and inventory of all sidewalk facilities (sidewalks, curb ramps, driveways, pedestrian signals, and pedestrian crossings) were completed under this program. Facilities were ranked based on a barrier condition rating and an accessibility demand rating.</p> <p>The ADA Transition Plan is considered a living document that will need to be reviewed and revised over time to assure progress is achieved in removing barriers. The program is considered ongoing as the dollar amount to complete all ADA upgrades and provide maintenance is extremely high.</p>	<ul style="list-style-type: none">• Project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.• The Engineering Manager and/or the Transportation Services Manager will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.• The Transportation Services Manager will report out in the Title VI Annual Report.
<p>Sidewalk Program (New Sidewalk Construction)</p> <p>The Sidewalk Program is for new sidewalk construction and will build out the remaining Pedestrian System Plan, a network of approximately 153 miles in the City of Shoreline, of which only 78 miles were currently built as of 2018. In 2018, the City completed a year-long process to create a Sidewalk Prioritization Plan using various metrics to rate and prioritize segments of unconstructed sidewalk previously identified in the Pedestrian System Plan. This prioritization is one of the tools used in selecting which projects are constructed first.</p>	<ul style="list-style-type: none">• As funding is secured and specific projects move to design, project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.• The Engineering Manager and/or the Transportation Services Manager will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.• The Transportation Services Manager will report out in the Title VI Annual Report.
<p>Traffic Safety Improvements Program</p> <p>This program addresses priority traffic and pedestrian safety concerns on both arterial and local streets. The primary purpose of this program is to design and implement small spot improvement projects to improve safety and enhance the livability of neighborhoods. Projects include traffic calming devices (speed humps, radar speed display signs, etc.), capital infrastructure (curb ramps, sidewalks, etc.), and operational changes (bike lanes, turn lanes, school signing, etc.).</p>	<ul style="list-style-type: none">• Project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.• The Engineering Manager and/or the Transportation Services Manager will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.• The Transportation Services Manager will report out in the Title VI Annual Report.

Major Programs / Projects

Title VI Responsibility

Annual Road Surface Maintenance Program

The City's long-term road surface maintenance program is designed to maintain the City's roadway system at the highest Pavement Condition Index (PCI) rating within the limits of available funding. Roadway preventative maintenance is accomplished by using a combination of asphalt concrete overlays and bituminous surface treatment (BST). Asphalt overlays are used to maintain the structure of arterial streets, with higher traffic volumes and higher wear, and BST is employed on residential streets, with lower traffic volumes, lower wear, and generally longer life span. These techniques typically extend pavement life between 10 and 15 years.

Each year, the City identifies streets that require maintenance through this program. To maximize funding, staffing, and coordination with grant funding cycles, the City alternates each year between overlays and BST. As part of this program, the City renews pavement markings, traffic channelization and signs and incorporates Complete Street elements.

- Project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.
- The Engineering Manager and/or the Transportation Services Manager, as applicable, will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.
- The Transportation Services Manager will report out in the Title VI Annual Report.

Traffic Signal & Intelligent Transportation System (ITS) Improvements Program

This program includes maintenance of safe and efficient traffic signals as an important part of the City's responsibility to all users of the transportation network. New traffic signal technology and intersection improvements address functionality and traffic flow; effective maintenance and operation of traffic signals can increase safety and extend the life of the signal. Signalized intersection improvements include new controllers; functional detection to ensure signals operate dynamically; back up battery systems; Accessible Pedestrian Signals and countdown signal heads for improved safety and ADA compliance; and communication to a central system for efficient signal timing changes, troubleshooting, and reporting. The program supports Shoreline's Emergency Management Plan.

Intelligent Transportation Systems (ITS) applies advanced information and communications technology to transportation. ITS helps roadway users make informed decisions about travel routes. Elements can include variable message signs, license plate or bluetooth/wi-fi readers, real-time traffic maps, traffic cameras, and communication between traffic signals and a Traffic Management Center (TMC). Existing components include fiber optic lines, traffic monitoring cameras, and a central signal system for signals along Aurora. Future expansions may include coordination with traffic signals operated by Seattle, northern cities, and WSDOT.

- Project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.
- The Transportation Services Manager will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.
- The Transportation Services Manager will report out in the Title VI Annual Report.

Roadway Capital Projects

Capital projects are diverse in size and nature. They may include roadway, pedestrian, and/or bicycle facility improvements and may range from spot location or single intersection improvements to entire street sections or complete corridor studies. The 6-year outlook Transportation Improvement Plan (TIP) can be found on the City webpage at <http://www.shorelinewa.gov/government/departments/public-works/transportation-planning> and current projects can be found at <http://www.shorelinewa.gov/government/projects-initiatives>.

- Project managers will use appropriate outreach and notification protocols for individual projects under this program, working with the Neighborhoods Coordinator and Diversity & Inclusion Coordinator on larger and/or more challenging projects.
- The Engineering Manager and Transportation Services Manager will oversee project managers and verify appropriate Title VI language and assurances are included in contracts / solicitations.
- The Transportation Services Manager will report out in the Title VI Annual Report.

Other Transportation planning, activities, and services include elements such as ongoing street operations and maintenance, surface water implementation (often included in Capital Projects), Neighborhood Traffic Safety Program, and Bicycle Program. Managers oversee activities and make every effort to ensure nondiscrimination.