



# BOARD OF YAKIMA COUNTY COMMISSIONERS

## Agenda Request Form (ARF)

*Deliver completed ARF and finalized agenda item to the Clerk or Deputy Clerk of the Board at the Yakima County Commissioners' Office, Room 232.*

Prepared by: Brett Sheffield

Department: County Roads

Requested Agenda Date: 1/27/2026

Presenting: \_\_\_\_\_

*Board of County Commissioners Record Assigned*

#

**0 3 0 - 2 0 2 6**

### Action Requested – Check Applicable Box:

PASS RESOLUTION

EXECUTE or AMEND

PASS ORDINANCE

AGREEMENT, CONTRACT, or GRANT

ISSUE PROCLAMATION

OTHER \_\_\_\_\_

### Document Title:

Approve the Title VI Accomplishments and Goals Report for the period of October 1, 2024, to September 30, 2025.

### Background Information:

In 2007, the BOCC adopted the Title VI Implementation Plan and Policy Statement. The Title VI Policy was re-affirmed on March 11, 2025. The County needs to submit a Title VI Accomplishments and Goals Report every year that the County receives federal funds.

### Describe Fiscal Impact:

None.

### Summary & Recommendation:

Pass the resolution approving the Title VI Accomplishments and Goals Report for October 1, 2024 to September 30, 2025, sign the Report and submit to WSDOT.

Department Head/Elected Official Signature

Corporate Counsel Initial (for Agreements Only)

# BOARD OF YAKIMA COUNTY COMMISSIONERS RESOLUTION

**IN THE MATTER OF APPROVING THE  
TITLE VI ACCOMPLISHMENTS AND  
GOALS REPORT FROM OCTOBER 1,  
2024, TO SEPTEMBER 30, 2025**

**0 3 0 - 2 0 2 6**

**WHEREAS**, Yakima County receives Federal Transportation funding from the US Federal Highway Administration (FHWA) through the Washington State Department of Transportation (WSDOT) for use on Yakima County Improvement projects; **and**,

**WHEREAS**, as a prerequisite for receiving Federal Transportation funding, Yakima County must have a plan in place to insure non-discrimination in the administration of federally funded projects as required by the following authorities: Title VI of the 1964 Civil Rights Act, and 23 CFR 200.9 and 49 CFR 21; Title VI of the 1964 Civil Rights Act, 42 USC 2000d to 2000-4; Civil Rights Restoration Act of 1987 (PL 100259 [S. 577] March 22, 1998); 42 USC 4601 to 4655 and 23 USC 109(h); 23 USC 324; US Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898 and 28 CFR 50.2; **and**,

**WHEREAS**, Yakima County gives public notice that it is the policy of Yakima County to assure full compliance with Title VI of the 1964 Civil Rights Act and related Federal Statutes, Regulations and Executive Orders; **and**

**WHEREAS**, Yakima County is required to submit a Title VI Accomplishments and Goals Report for the period of October 1, 2024, to September 30, 2025; **now**, therefore,

**BE IT HEREBY RESOLVED** by the Board of Yakima County Commissioners that Yakima County, Washington hereby approves and submits the attached Title VI Accomplishments and Goals Report for October 1, 2024, to September 30, 2025.

**DONE**      JAN 27 2026

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LaDon Linde, Chair

*Attest:*

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Julie Lawrence, Clerk of the Board *or*  
Erin Franklin, Deputy Clerk of the Board

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Amanda McKinney, Commissioner

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Kyle Curtis, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*



Report for October 1, 2024 through September 30, 2025

## TITLE VI ACCOMPLISHMENTS & GOALS REPORT - WSDOT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to [TitleVI@WSDOT.wa.gov](mailto:TitleVI@WSDOT.wa.gov)

**DUE DATES:** Refer to Section 28.3 for scheduled reporting period and due date

### Contact Information

Name and title of administrator (signature on Standard Assurances): David Haws, Director of Public Services

Mailing Address: 128 N. 2<sup>nd</sup> Street, 4<sup>th</sup> Floor Courthouse

City: Yakima,

WA

Zip Code: 98901

County: Yakima

Phone #: 509-574-2300

email address: [david.haws@co.yakima.wa.us](mailto:david.haws@co.yakima.wa.us)

Name and title of head of transportation-related services: Matt Pietrusiewicz, County Engineer

Mailing Address: 128 N. 2<sup>nd</sup> Street, 4<sup>th</sup> Floor Courthouse

City: Yakima,

WA

Zip Code: 98901

County: Yakima

Phone #: 509-574-2300

email address: [matt.pietrusiewicz@co.yakima.wa.us](mailto:matt.pietrusiewicz@co.yakima.wa.us)

Name and title of designated Title VI coordinator\*: Matt Pietrusiewicz, County Engineer

Mailing Address: 128 N. 2<sup>nd</sup> Street, 4<sup>th</sup> Floor Courthouse

City: Yakima

WA

Zip Code: 98901

County: Yakima

Phone #: 509-574-2300

email address: [matt.pietrusiewicz@co.yakima.wa.us](mailto:matt.pietrusiewicz@co.yakima.wa.us)

\*When the Title VI coordinator changes, notify [TitleVI@WSDOT.wa.gov](mailto:TitleVI@WSDOT.wa.gov) within 30 days.

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To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A). **See Appendix C.**

### Accomplishments

1. Have there been any changes to the approved Title VI Plan that have not been reported to OECR?

There have been no changes to Yakima County Public Services (YCPs) Federally Funded Transportation Program Title VI Implementation Plan (Title VI Plan) since it was approved in March 2007.

A copy of the YCPs Title VI Implementation Plan, including the Policy Statement is included in Appendix B of this report.

2. Organization, Staffing, Structure: Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual. Include the same details if your LPA has a volunteer or appointed board related to transportation decision making.

**Organization:** The County Roads Organizational Chart is included in Appendix A.

**Staffing:** The Yakima County Commissioners have authorized the Public Services Director to act as the Title VI Agency Administrator and the County Engineer to act as the Title VI Coordinator. Additionally, program managers and supervisors have been designated as Title VI Specialists that will implement and maintain objectives.

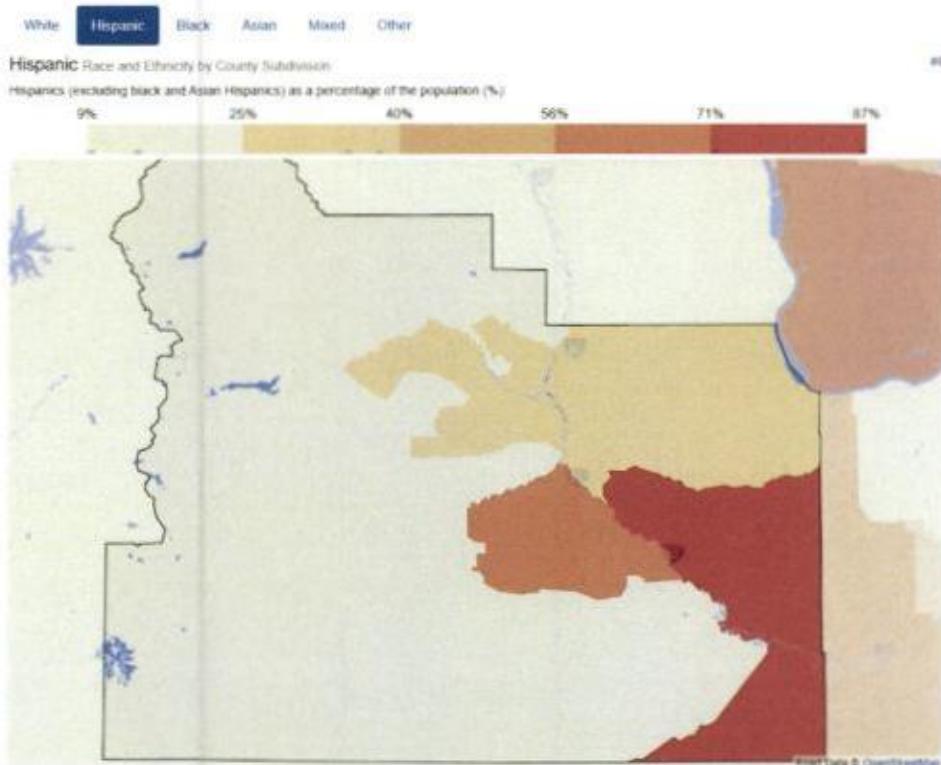
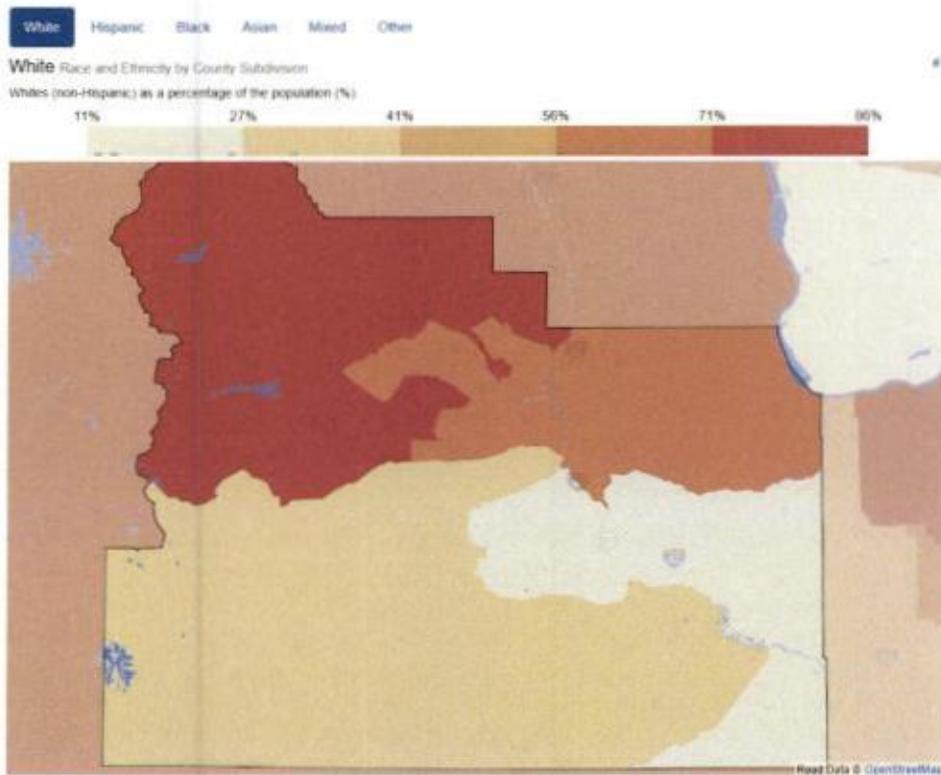
**Structure:** Title VI Specialists work with the coordinator to ensure compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. They are listed in Table 1 below.

Name	Gender/Ethnicity	Title	Program
David Haws	Male/White	Director/Title VI Administrator	Public Services Department
Matt Pietrusiewicz	Male/White	County Engineer/Title VI Coordinator	County Roads Department
Monica Beltran	Female/Hispanic	Supervisor	Administration
Brett Sheffield	Male/White	Assistant County Engineer	Engineering Services
Jase Testerman	Male/White	Manager	Right of Way Services
Todd Mouritsen	Male/White	Manager	Construction Services
Ivan Klingele	Male/White	Manager	Traffic & Transportation Services
Ryan Calhoun	Male/White	Manager	Road Maintenance

**Table 1: Title VI Staffing and Structure**

- Community Demographics: Using a map of the LPA's boundaries, describe the demographics of the LPA's service area (e.g., race, ethnicity, and national origin). List, by individual languages, the percentage of the population who is Limited English proficient. If the LPA's Limited English proficient population is 5% of the total population or 1,000 individuals, whichever is less, explain the Four-Factor Analysis by answering the statements listed on the next page.

## Map of Race and Ethnicity by County Subdivision in the Yakima Area



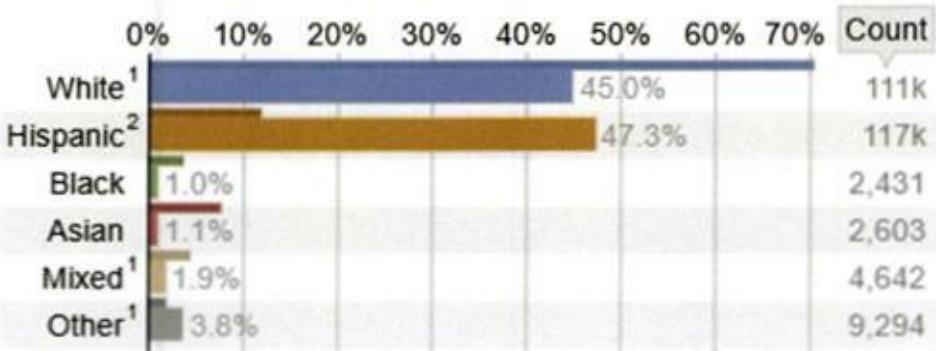
## Race and Ethnicity

#1

Percentage of the total population.

Scope: population of Washington and the Yakima Area

■ Yakima Area ■ Washington



Count: number of members in ethno-racial group

<sup>1</sup> non-Hispanic    <sup>2</sup> excluding black and Asian Hispanics

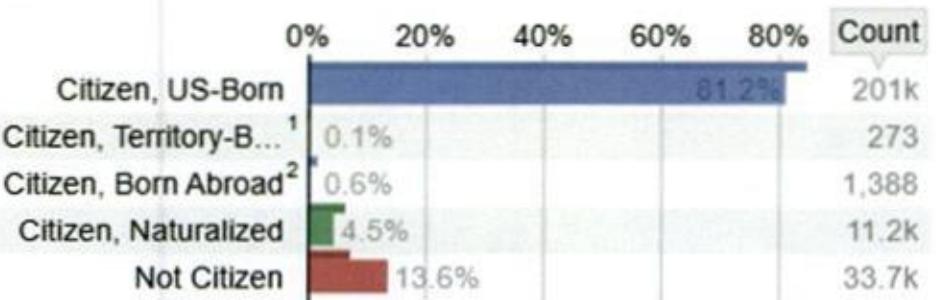
## Citizenship and National Origin

#1

Percentage of the total population.

Scope: population of Washington and the Yakima Area

■ Yakima Area ■ Washington



Count: number of people in citizenship/nativity category

<sup>1</sup> Puerto Rico and US Island Areas    <sup>2</sup> to US citizen parent(s)

**C16001 | Language Spoken at Home for the Population 5 Years and Over**

American Community Survey | Universe: Population 5 years and over | 2023: ACS 5-Year Estimates Detail... | Notes | Geos (1) | Topic

Label	Yakima County, Washington	
	Estimate	Margin of Error
▼ Total:	237,783	±122
Speak only English	136,399	±2,185
▼ Spanish:	97,179	±2,012
Speak English "very well"	58,646	±1,972
Speak English less than "very well"	38,533	±1,657
▼ French, Haitian, or Cajun:	248	±121
Speak English "very well"	124	±62
Speak English less than "very well"	124	±111
▼ German or other West Germanic languages:	467	±191
Speak English "very well"	415	±179
Speak English less than "very well"	52	±42
▼ Russian, Polish, or other Slavic languages:	137	±133
Speak English "very well"	101	±88
Speak English less than "very well"	36	±68
▼ Other Indo-European languages:	453	±193
Speak English "very well"	389	±177
Speak English less than "very well"	64	±72
▼ Korean:	131	±72
Speak English "very well"	105	±64
Speak English less than "very well"	26	±32
▼ Chinese (incl. Mandarin, Cantonese):	208	±116
Speak English "very well"	43	±44
Speak English less than "very well"	165	±101
▼ Vietnamese:	256	±163
Speak English "very well"	125	±100
Speak English less than "very well"	131	±118
▼ Tagalog (incl. Filipino):	330	±114
Speak English "very well"	213	±90
Speak English less than "very well"	117	±61

▼ Other Asian and Pacific Island languages:	1,075	±395
Speak English "very well"	712	±249
Speak English less than "very well"	363	±284
▼ Arabic:	191	±270
Speak English "very well"	191	±270
Speak English less than "very well"	0	±31
▼ Other and unspecified languages:	709	±254
Speak English "very well"	610	±236
Speak English less than "very well"	99	±87

## TOTAL POPULATION: 256,643

Race	No.	%
White	115,489	45.0
Hispanic	121,392	47.3
Black	2,566	1.0
Asian	2,823	1.1
Mixed	4,976	1.9
Other	9,496	3.7

- Percentage Female: 49.9%
- Median Age: 31.8 years old
- Percentage over 65: 12.75%
- Median Household Income: \$45,700
- LEP (Spanish): 16.21%
- LEP (French): 0.05%
- LEP (German): 0.03%

## Median Household Income by Place #16

Scope: households in the Yakima Area, selected places in the Yakima Area, and entities that contain the Yakima Area

	\$0k	\$20k	\$40k	\$60k	\$80k	%	#
Eschbach					\$81.6k	+78.5%	1
Nile					\$77.9k	+70.5%	2
Summitview					\$70.1k	+53.3%	3
Pacific					\$62.9k	+37.7%	
Washington					\$62.8k	+37.5%	
Zillah					\$61.2k	+33.9%	4
Gleed					\$60.8k	+33.1%	5
West					\$60.2k	+31.8%	
Ter Hts					\$57.2k	+25.1%	6
Moxee					\$55.8k	+22.0%	7
United States					\$55.3k	+21.1%	
Cliffdell					\$51.1k	+11.8%	8
Ahtanum					\$51.0k	+11.7%	9
Selah					\$50.1k	+9.64%	10
Harrah					\$49.7k	+8.66%	11
Naches					\$46.8k	+2.47%	12
Tieton					\$46.8k	+2.39%	13
Cowiche					\$46.5k	+1.82%	14
<b>Yakima Area</b>					\$45.7k	0%	
White Swan					\$44.7k	-2.28%	15
Yakima					\$41.0k	-10.4%	16
Granger					\$39.7k	-13.2%	17
Grandview					\$38.9k	-14.8%	18
Mabton					\$38.0k	-16.8%	19
Sunnyside					\$38.0k	-16.9%	20
Union Gap					\$37.2k	-18.6%	21
Toppenish					\$37.1k	-18.8%	22
Wapato					\$34.2k	-25.2%	23
Buena					\$29.1k	-36.4%	24

% percentage above or below median household income of the Yakima Area

# rank of place out of 24 by median household income

1. Briefly describe the number of LEP persons served and languages spoken in the service area.

It is estimated that about 150 Spanish speaking persons were served during the reporting period. As there are approximately 16% of Yakima County's population that only speak Spanish, the Yakima County Public Services and Yakima County Roads Departments each have an employee who is certified as a Spanish interpreter. Therefore, a Spanish interpreter attends public meetings and is available to assist people at the counter and on the phone.

2. Briefly describe the frequency of contact with LEP persons for services or projects (e.g., customer service interactions, public meetings, and contracts bidding and awarding).

The employees who provide the services as a Spanish interpreter did so between two and three hours each week.

3. Briefly describe the importance of the program, activity, or service to the lives of LEP persons.

Having employees that are available to provide Spanish interpreting services is very helpful to the Spanish speaking public of Yakima County, in that they are not required to bring an interpreter with them to speak with County employees.

4. Briefly describe current resources available for LEP persons and overall cost.

The cost of providing the Spanish interpreting services during this reporting period was approximately \$7,000.

4. Complaints: Provide a copy of the LPA's Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

There were no Title VI complaints received against the YCPS or County Roads Departments during the reporting period.

5. Planning: Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

This function falls under the Traffic & Transportation Section. Assigned staff are responsible for developing short and long-range plans that provide efficient transportation infrastructure and services, inter-agency coordination on regional projects, and developmental review, right-of-way, and design activities and assistance to the citizens of unincorporated Yakima County.

Yakima County actively participates in planning organizations such as:

- MPO/RTPO Organizations
- TRANS-Action (Urban Transportation Action Committee)
- DRYVE (Rural Transportation Action Committee)
- Special Needs Transportation Committees
- Public Transit Committees
- 2040 Yakima Valley Regional Transportation Plan Updates

YCPs has undertaken various local planning activities through the organizations noted above. As part of that effort, a public hearing on updating the County's Six-Year Transportation Improvement Program was held during the report period. No attendees required interpretation services, and no questions or comments were received that required language interpretation.

It is the policy of the YCPs Department to comply with 49 Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participated in federally assisted contracts. YCPs 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, sex, or national origin. Efforts made to use minority and female consultants during the reporting period include the following outreach activities:

- **Disadvantaged Business Enterprise (DBE) Goals.** YCPs works cooperatively with WSDOT Highways and Local Programs to evaluate the need for DBE participation. All Yakima County federally assisted contracts are reviewed by WSDOT Highways and Local Programs for compliance with the above terms, and where consistent with the State DBE Participation Plan, contain requirements for DBE participation in the contract.
- **Consultant Selection Procedures.** Consultants are selected according to the procedures outlined in the RCW, and Local Agency Guidelines (LAG) Manual procedures for federally assisted projects. YCPs encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.
- **Public Pre-proposal Meetings.** Due to the limited scope of Yakima County projects, YCPs does not conduct pre-proposal meetings.

The County will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional considerations in accordance with applicable Title VI and Environmental Justice provisions.

During the reporting period, a public hearing was held in September 2025 for the purpose of the annual updates to the County's Six-Year Transportation Improvement Program for 2026-2031. The hearing was publicly advertised in accordance with legal requirements. In addition, information as posted on the Yakima County website pertaining to the hearing.

6. Right-of-way actions: Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owner(s)/tenant(s).

The property acquisition process performed by the YCPs Department follows the WSDOT Right of Way Manual and all applicable laws and regulations, including Title VI and Section

504. The acquisition process includes appraisal of property, negotiation of terms and conditions for acquisition, and relocation assistance, as well as property management.

Right of Way and Temporary Construction Easements (TCE) were acquired during the reporting period for the following transportation projects:

**N. Wenas Road – Shaw Road to Sheep Company Road**

Right of way was purchased from seven (7) white males and five (5) white females.

Temporary Construction Easements (TCE) were purchased from twelve (12) white males, eleven (11) white females and one (1) Hispanic female.

**North Fork Road Bridge #109**

Right of way was purchased from one (1) white male and two (2) white females.

A TCE was purchased from one (1) white female.

**Independence Road – Outlook Road to Fordyce Road**

Right of way was purchased from one (1) white males and three (3) white females.

TCEs were purchased from two (2) white males and four (4) white females.

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

The right of way appraisers and acquisition staff used to acquire right of way and TCEs during the reporting period consisted of five (5) white males and one (1) Hispanic female.

8. Studies and Plans: Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

The environmental assessment (EA) for phases 2 and 3 of the Cascade Mill Parkway project, which constructs a new roadway from northeast Yakima to the unincorporated community of Terrace Heights, was ongoing during the reporting period. The EA is being developed by an environmental consultant. Discipline reports completed to date include the environmental justice (EJ) memorandum, noise report, air quality report and biological assessment. Information for the EJ memo was obtained from EPA's EJScreen tool, the US Census Bureau and Office of Superintendent of Public Instruction (OSPI).

The proposed route for the Cascade Mill Parkway project was selected to limit environmental impacts to the people of Yakima and Terrace Heights while improving the mobility and congestion in the areas. Despite these best efforts, impacts are anticipated to affect residents living in the vicinity of project. Six relocations were required in Terrace Heights. Traffic noise on East 'H' Street will increase due to the conversion of East 'H' Street between North 1<sup>st</sup> Street and North 7<sup>th</sup> Street from a residential street to an arterial. The noise increase will impact people who live on East 'H' Street. Currently, East 'H' Street has no sidewalks or marked

bicycle facilities, so improvements will be made for non-motorized users who utilize East 'H' Street. All improvements to Eash 'H' Street will be made within the existing right of way.

9. Project Location and Design: Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects' benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.

The projects that began construction during the reporting period were: (1) 2025 Grind and Overlay; (2) W. Birchfield Improvement Project; (3) Keys Road Improvement Project; (4) East-West Corridor Demolition Project; and (5) Independence Road Demolition Project (See Figure 1).

The 2025 Grind and Overlay project was performed on Summitview Road from Rocky Top Road to Summitview Extension Road. The work consisted of grinding out two (2) inches of the existing asphalt and replacing it with four (4) inches of Hot Mix Asphalt, raising guardrail and updating guardrail terminals. Benefits include a smoother, safer ride. The only burden was delay during construction.

The W. Birchfield Road Improvement project consisted of widening a 500-foot-long stretch of W. Birchfield Road to a three-lane section with curb, gutter and sidewalk, stormwater treatment, street lighting and installing a water line and sanitary sewer line. Benefits include the ability to connect to water and sewer, better access and pedestrian facilities. The only burden was delay during construction, as traffic was limited to one-lane, two-way traffic during construction which was controlled by flaggers.

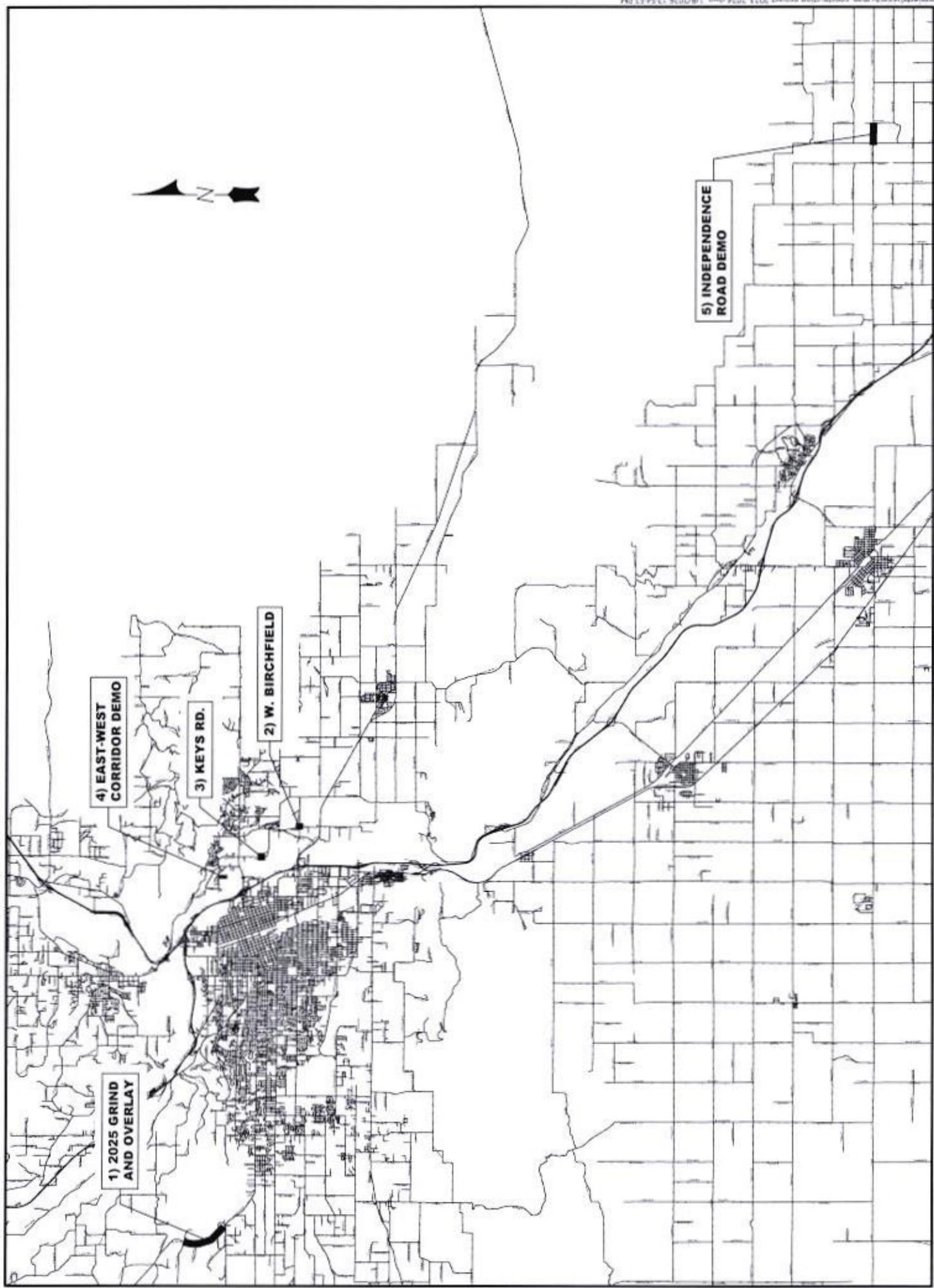
The Keys Road Improvement project consisted of widening a 1,000-foot-long section of Keys Road to a three-lane section, with curb, gutter and sidewalk, stormwater treatment system and street lighting. Benefits include safer rides and pedestrian facilities. The only burden was delay during construction, as traffic was detoured around the work area.

The East-West Corridor Demolition project consisted of demolishing a double-wide manufactured home that needed to be removed as part of the East-West Corridor project.

The Independence Road Demolition project consisted of removing an irrigation cistern that needed to be removed in order to construct the Independence Road, Phase 2 project.

10. Other Public Meetings: List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

A public meeting was held at the County Shops on April 2, 2025 from 5:30 pm to 6:30 pm with the residences of N. 57 Street. The purpose of the meeting was to address complaints they have regarding vandalism, arson and other inappropriate activities that occur on N. 57<sup>th</sup> Street. Thirty-one people attended the meeting along with County Road staff and County Sheriff Department staff. Discussion mainly centered on their desire to have an electronic gate placed on N. 57<sup>th</sup> Street to deter these activities.



**FIGURE 1: CONSTRUCTION PROJECTS STARTED FROM 10-1-24 TO 9-30-25**

1. Identify members of the LPA's transportation planning and/or advisory groups by race, color, and national origin

The table below lists the staff gender and race of the Yakima County Roads Department by the respective program areas.

Emphasis Area	Race	Gender	
		Male	Female
<b>Design and Engineering</b>	White	5	2
Total Design and Engineering:		<b>5</b>	<b>2</b>
<b>Right of Way</b>	White	3	
	Hispanic		1
Total Right of Way:		<b>3</b>	<b>1</b>
<b>Construction Services</b>	White	8	1
	Black	1	
	Middle Eastern	1	
Total Construction Services:		<b>10</b>	<b>1</b>
<b>Traffic and Transportation</b>	White	6	1
	Black	1	
Total Traffic and Transportation:		<b>7</b>	<b>1</b>
<b>Road Maintenance</b>	White	42	3
	Hispanic	8	
Total Road Maintenance:		<b>50</b>	<b>3</b>

**Table 2: County Roads Department Staff Race and Gender**

2. Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

The YCPS does not include self-identification surveys at the public meetings, other than a check-in sheet. The right-of-way staff who meet with the property owners affected by the projects make notes on the race and gender of the people they meet with.

3. List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

No language assistance services were requested at the S. 57<sup>th</sup> Street meeting.

11. **Transportation-related Construction and Consultant Contracts (if applicable):** Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiating contracts (e.g., consultants).

To advertise for bids, the County places an advertisement for bids in the local newspaper, the Yakima Herald Republic, and the Daily Journal of Commerce. The advertisement describes the scope of the project and the time that the bids are due. The following paragraph is included in the "Call for Bids:"

Yakima County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 USC 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in 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.

Once the low bidder is determined, and it is determined that all the necessary documentation, including the bid bond, have been submitted, the project is awarded to the low bidder. After award, the Contractor has about two weeks to return the signed contract, along with a performance bond and proof of insurance. Once everything is in good order, the Contract is executed.

Consultants are selected according to the procedures outlined in the RCW, and Local Agency Guidelines (LAG) Manual procedures for federally aided projects. YCPS encourages all consulting firms registered in Washington State who possess the required professional license(s) to present their qualifications for the proposed project.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

The activities undertaken during the reporting period that provide for assurances of Title VI compliance by Contractors are as follows:

The following paragraph is included in all Yakima County contracts:

Yakima County, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 USC 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in 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.

All federally funded contracts administered by YCPS contain Title VI provisions (FHWA Form 1273)

Specifications defining Title VI requirements are included in the contact documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the Contractor (contract documents also include GSP 1-07.11 language relating to the Requirements for Non-discrimination). Goals are established for the participation of Disadvantaged Business Enterprises, where applicable.

All YCPS contracts, including federally assisted contracts, contain non-discrimination provisions to ensure and heighten awareness that YCPS will not tolerate discriminatory practices.

All YCPS contracts contain the following Title VI Assurances:

### **Title VI Assurances**

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.

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).

YCPS uses WSDOT's Local Agency A&E Professional Services Cost-Plus Fixed Fee Consultant Agreement for all its consultant agreements. The General Requirements section of the agreement contains the following:

Participation for Disadvantaged Business Enterprises (DBE) or Small Business Enterprises (SBE), if required, per 49 CFR Part 26, shall be shown on the heading of this AGREEMENT. If DBE firms are utilized at the commencement of this AGREEMENT, the amounts authorized to each firm and their certification number will be shown on Exhibit "B" attached hereto and by this reference made part of this AGREEMENT. If the Prime CONSULTANT is a DBE certified firm they must comply with the Commercial Useful Function (CUF) regulation outlined in the AGENCY's "DBE Program Participation Plan" and perform a minimum of 30% of the total amount of this AGREEMENT. It is

recommended, but not required, that non-DBE Prime CONSULTANTS perform a minimum of 30% of the total amount of this AGREEMENT.

In the absents of a mandatory DBE goal, a voluntary SBE goal amount of ten percent of the Consultant Agreement is established. The Consultant shall develop a SBE Participation Plan prior to commencing work. Although the goal is voluntary, the outreach efforts to provide SBE maximum practicable opportunities are not.

The CONSULTANT, on a monthly basis, shall enter the amounts paid to all firms (including Prime) involved with this AGREEMENT into the [wsdot.diversitycompliance.com](http://wsdot.diversitycompliance.com) program. Payment information shall identify any DBE Participation.

13. List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

During the reporting period, YCPS had seven (7) construction contracts that are listed in Table 3.

Project	Funding Source(s)	Contractor	Contract Amount
2025 Grind and Overlay	State (CAP) and Local Funds	Interstate Concrete and Asphalt	1,580,722.00
W. Birchfield Improvement Project	SIED Grant	Mass X Construction, LLC	831,166.54
Keys Road Improvement Project	SIED Grant	Mass X Construction, LLC	861,020.04
East-West Corridor Demolition Project	Local Funds	Wakefield Excavation, LLC	108,540.00
Independence Road Demolition Project	Local Funds	Wakefield Excavation, LLC	18,900.00
Buena WWTP Filter Bed Improvements	State (DOE) and Local Funds	Pacific Civil and Infrastructure	4,483,620.00
Rambler's Reach, Phase 4	State (DOE)	Swafford Excavation	1,091,458.94

**Table 3: YCPS Construction Projects**

During the reporting period, right-of-way consultants provided appraisals and relocation assistance on three projects listed in Table 4.

Project	Funding Source(s)	Consultant	Consultant Contract Amount
N. Wenas Road - Shaw Rd. to Sheep Company Rd.	State Funds (RAP) and Local Funds	Pacific Appraisal Associates, PLLC	\$24,688.40
	State Funds (RAP) and Local Funds	Korn's Appraisal Service	\$2,892.00
N. Fork Bridge Road #109	Local Funds	Pacific Appraisal Associates, PLLC	\$6,910.00
N. Fork Bridge Road #105	Local Funds	Pacific Appraisal Associates, PLLC	\$6,910.00

**Table 4: YCPS Right-of-Way Consultants (Appraisal and Relocation Services)**

During the reporting period, engineering consultants provided preliminary engineering and design services for the eight projects listed in Table 5.

Project	Funding Source(s)	Consultant	Consultant Contract Amount
Cascade Mill Parkway, Phases 2 and 3	Local Funds	Sargent Engineers	62,583.26
	Local Funds	Cowling and Company	37,903.68
N. Fork Road Bridge #105	Federal (BRAC)	Sargent Engineers	27,647.52
N. Fork Road Bridge #109	Federal (BRAC)	Sargent Engineers	66,197.47
Harrah Road Bridge #251	Federal (BRAC)	Coffman Engineers, Inc.	106,823.74
Robbins Road Bridge #499	Federal (BRAC)	Coffman Engineers, Inc.	85,823.40
Slayton Road Bridge #511	Federal (BRAC)	Coffman Engineers, Inc.	78,731.68
Stevens Road Bridge #509	Federal (BRAC)	Coffman Engineers, Inc.	60,643.42
Hwy 97 Rail Crossing Upgrade	Federal (RAIL)	KPFF	97,163.56

**Table 5: YCPS Design Consultants**

14. Education & Training: Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

1. List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

One of the Title VI Specialists participated in the eLearning Title VI Basics for LPA's (May 2021) during the reporting period.

2. When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

There was no internal training provided to YCPS staff during the reporting period.

3. List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

None.

15. Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

It is anticipated that the Title VI Coordinator and other Title VI Specialists will do the eLearning training titled Title VI Basics for LPA's in 2026.

**SIGNED & DATED:**

**BOARD OF COUNTY COMMISSIONERS**

*Attest:*

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LaDon Linde, Chair

Julie Lawrence, Clerk of the Board *or*  
Erin Franklin, Deputy Clerk of the Board

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Amanda McKinney, Commissioner

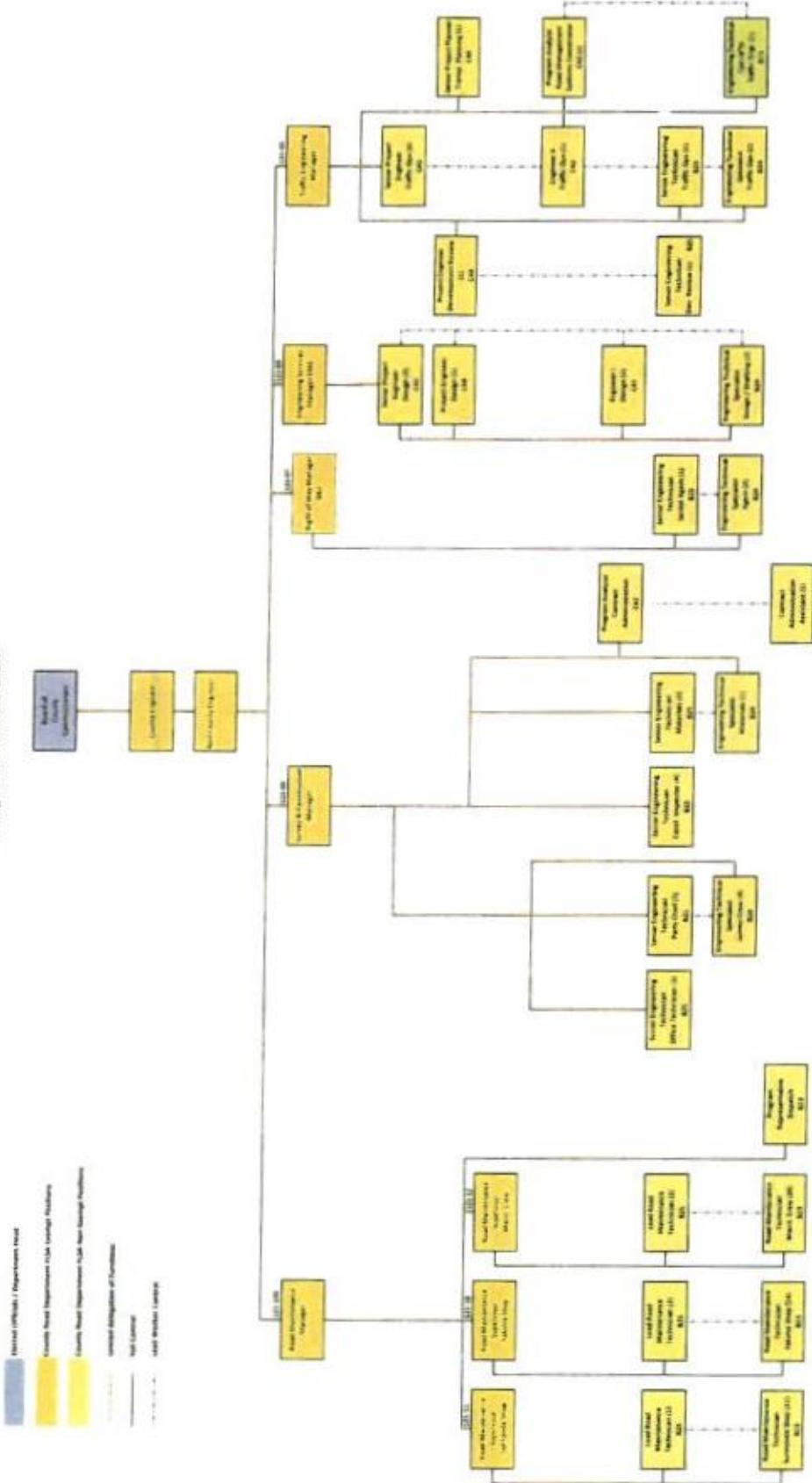
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Kyle Curtis, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

## **APPENDIX A**

### **COUNTY ROADS ORGANIZATIONAL CHART**

## **Yakima County Road Department Management Structure Chart**



## **APPENDIX B**

### **YAKIMA COUNTY TITLE VI IMPLEMENTATION PLAN**

**Yakima County Public Services Department  
Federally Funded Transportation Program**

**TITLE VI IMPLEMENTATION PLAN**



**March 2007**

**Yakima County Commissioners**

Michael D. Leita - Chair  
Ronald F. Garnache - Commissioner  
J. Rand Elliott - Commissioner

**Public Services Director**

Vern M. Redfer, P.E.

**County Engineer**

Gary N. Ekstedt, P.E.

## BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF ADOPTION )  
OF THE YAKIMA COUNTY PUBLIC ) Resolution No. 166-2007  
SERVICES DEPARTMENT TITLE VI )  
IMPLEMENTATION PLAN FOR )  
FEDERALLY FUNDED PROJECTS )

WHEREAS, Yakima County receives Federal Transportation funding from the US Federal Highway Administration (FHWA) through the Washington State Department of Transportation (WSDOT) for use on Yakima County Road Improvement projects; and,

WHEREAS, as a prerequisite for receiving Federal Transportation funding Yakima County must have a plan in place to insure non-discrimination in the administration of federally funded projects as required by the following authorities: Title VI of the 1964 Civil rights Act, and 23 CFR 200.9 and 49 CFR 21; Title VI of the 1964 Civil Rights Act, 42 USC 2000d to 2000-4; Civil Rights Restoration Act of 1987 (PL 100259[S. 577] March 22, 1998); 42 USC 4601 to 4655 and 23 USC 109(h); 23 USC 324; US Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898 and 28 CFR 50.2; and,

WHEREAS, the Yakima County Engineer has submitted a Title VI Implementation Plan to the WSDOT Office of Equal Opportunity that fulfills the requirements of applicable Federal Statutes, Regulations and Executive Orders and has received preliminary approval of said plan; and,

WHEREAS, Yakima County gives public notice that it is the policy of Yakima County to assure full compliance with Title VI of the 1964 Civil Rights Act and related Federal Statutes, Regulations and Executive Orders; now, therefore,

BE IT RESOLVED, that the Board of County Commissioners, Yakima County, Washington hereby adopts the Yakima County Department of Public Services Federally Funded Transportation Program Title VI Implementation Plan.

Done this 27<sup>th</sup> day of March, 2007.

resovtitle6

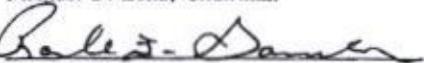


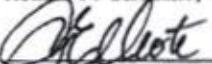
ATTEST:

  
Christina Steiner, Clerk of the Board

Excused

Michael D. Leita, Chairman

  
Ronald F. Gamache, County Commissioner

  
J. Rand Elliott, County Commissioner

*Constituting the Board of County Commissioners  
for Yakima County, Washington*

## YAKIMA COUNTY POLICY STATEMENT

Yakima County 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 County sponsored program or activity. Yakima County 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 Yakima County distributes Federal aid funds to another entity, Yakima County will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of County Commissioners pursuant to its budgetary authority and responsibility. The Agency Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

### BOARD OF YAKIMA COUNTY COMMISSIONERS

Excused

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Michael D. Leita, Chair

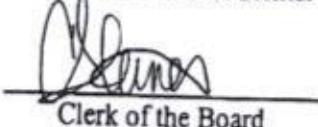


Ronald F. Gamache, Commissioner



J. Rand Elliott, Commissioner

Attest: Christina S. Steiner



Clerk of the Board



## **I. AUTHORITIES**

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### **Title VI Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

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

### **Additional Authorities and Citations**

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

## **II. ORGANIZATION, STAFFING and STRUCTURE**

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### **Organizational Chart – Reporting Relationships**

**See Attachment 1**

### **Staffing and Structure**

#### **Public Services Director**

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

#### **Title VI Coordinator**

The Board of Yakima County Commissioners has designated the County Engineer to perform the duties of the Title VI Coordinator and ensure implementation of the Agency's Title VI Federally Funded Transportation Program. The County Engineer has other duties and responsibilities in addition to Title VI. Although the County Engineer is responsible directly to the Board of County Commissioners, this position has a direct reporting relationship and access to the Public Services Director.

### **Title VI Specialists**

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

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

#### **Title VI Specialists and their Official Job Title:**

<b>Design &amp; Engineering</b>	Engineering Services Manager	Bill Maggard,
<b>Right of Way Services</b>	Right of Way Services Manager	Mike Waits
<b>Construction Services</b>	Construction Manager	Rick Gregory
<b>Traffic &amp; Transportation Services</b>	Traffic Engineer	Kent McHenry
<b>Road Maintenance</b>	Road Maintenance Manager	Matt Pietrusiewicz

## **III. TITLE VI PLAN IMPLEMENTATION and PROGRAM ADMINISTRATION**

### **Title VI Coordinator's Responsibilities and Program Administration**

As authorized by the Board of Yakima County commissioners, the County Engineer is responsible for initiating, monitoring, and ensuring Yakima County's compliance with Title VI requirements as follows:

#### **A. Program Administration.**

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

#### **B. Complaints.**

Review written Title VI complaints that may be received by Yakima County Public Services Department following the adopted procedural guidelines. Ensure every effort is made to resolve complaints informally at the local or regional level.

**C. Data Collection.**

Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

**D. Environmental Impact Statements.**

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the Yakima County Public Services Department for projects receiving Federal Highway Administration or other Federal assistance.

**E. Training Programs.**

Conduct or facilitate training programs on Title VI issues and regulations for Agency employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

**F. Title VI Plan Update.**

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

**G. Annual Accomplishment Report.**

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

**H. Public Dissemination.**

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

**I. Elimination of Discrimination.**

Work with Yakima County Elected Officials, Department Heads and Managers to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Yakima County processes.

**J. Maintain Legislative and Procedural Information.**

Federal laws, rules and regulations, WSDOT guidelines, the current Yakima County Public Services Department Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Public Services Department Title VI program will be maintained and updated by the County Engineer. Information will be made available to other Yakima County departments or the public as requested or required.

mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Yakima County Public Services Director. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The Agency will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the Public Services Director will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Agency may request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan.
3. If the complaint is against a sub-recipient, consultant, or contractor, under contract with Yakima County the appropriate division and/or agency shall be notified of the complaint, within fifteen (15) calendar days.
4. Once the Public Services Director decides on a course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the County Engineer, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the Public Services Director assumes investigation of the complaint, the Director will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Agency with his/her response to the allegations.
6. Within sixty (60) days of receipt of the complaint, the County Engineer or WSDOT investigator will prepare a written investigative report for Public Services Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The recommendation shall be reviewed by the Prosecuting Attorney's office. The Prosecuting Attorney may discuss the report and recommendations with the County Engineer and other appropriate departmental staff. The report will be modified as needed and made final for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen (15) days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and County Engineer's investigative report will be provided to WSDOT's External Civil Rights Branch within sixty (60) calendar days of the receipt of the complaint.

10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

11. An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:

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

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

## **VI. SUB-RECIPIENT REVIEW AND REMEDIAL ACTION PROCEDURES**

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

Public Services Title VI Specialists and the County Engineer will assist WSDOT to periodically conduct Title VI compliance reviews. The County Engineer will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

### **B. Post-Grant Reviews.**

The County Engineer will collaborate with WSDOT - H&LP staff to conduct periodic post-grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

### **C. Remedial Action.**

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

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed ninety (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, Yakima County 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, Yakima County and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

## **VII. TITLE VI IMPLEMENTATION ACTIVITIES IN SPECIAL EMPHASIS AREAS**

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### **A. Planning & Location Activities**

1. Planning Process. The County Engineer has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to Yakima County citizens. The County Engineer annually updates and coordinates Yakima County's six-year plan for transportation improvement programs and projects. The update also informs other 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 divisions in the department, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.

### **2. Authorities.**

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

### **3. Public Involvement in Planning Activities & Title VI**

- Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
- Public Services Department staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.
- To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the Agency, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

### **B. Consultant Contracts Activities**

1. Consultant Contracts Administration. The County Engineer is responsible for recommending consultant firms to the County Commissioners for final selection, negotiation and award. The Engineering Services Manager administers awarded consultant contracts.

### **2. Authorities.**

Yakima County Resolution 45-1983; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172

**3. Consultant Selection Process.**

Engineering Services staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects. Consultant selection from the certified list maintained by the Engineering Services Division adheres to Washington State regulations (RCWs) and is consistent with Yakima County vendor policies.

**4. Title VI Assurances and Provisions**

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

**C. Design & Engineering / Environmental Activities**

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

**2. Authorities.**

Local Agency Guidelines - WSDOT- M36-63; Standard Plans For Road, Bridge and Municipal Construction-WSDOT; APWA - M21-01; Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(3) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898

**3. Design /Environmental Review Process and Title VI**

- a) 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.
- b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the Agency's Federal-aid highway activities.
- c) In order to ensure dissemination of information and foster participation from affected populations, the Public Services Department staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has

information pertaining to their rights to call or write the department to view plans and discuss environmental problems.

d) Public Services Department staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

e) Public Services Department staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the Agency GIS Department to generate a map of the Federally funded transportation projects to include demographic data of the neighborhoods effected by the projects.

#### D. Right-of-way Activities

##### 1. Right of Way Services.

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

##### 2. Authorities.

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

##### 3. Right-of-way Activities and Title VI

a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted Agency vendor procurement policies in the acquisition of contracted services.

b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.

c) Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.

d) Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by WSDOT and a copy of the Public Services Department Title VI Compliance brochure to all affected parties.

e) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.

f) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.

g) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.

h) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by Federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

**E. Construction and Maintenance Activities**

**1. Construction Management Division.**

The Construction Management Section is responsible for administration of all new construction contracts and inspecting bridges. The Construction Management section is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the County Engineer.

**2. Authorities.**

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

**3. Maintenance.**

The Road Maintenance Division is responsible for the efficient program for maintaining Yakima County roads and bridges by economically utilizing the resources of contractors, equipment, and materials.

**4. Authorities.**

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

**5. Construction and Maintenance Activities and Title VI**

a) Review all Federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Agency's Title VI Policy Statement and Assurances herein.

b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.

c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.

d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.

e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.

**EXHIBIT 1 – YAKIMA COUNTY TITLE VI NOTICE TO THE PUBLIC**

Yakima County hereby gives public notice that it is the County'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, sex, 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 Yakima County 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 Yakima County. Any such complaint must be in writing and filed with the Yakima County Public Services Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Yakima County Public Services Department at no cost to the complainant by calling (509) 574-2300.

## **EXHIBIT 2 – YAKIMA COUNTY TITLE VI ASSURANCES**

Yakima County, Washington, (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

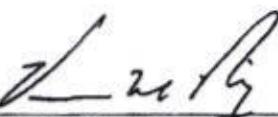
1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

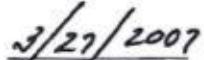
Yakima County in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Vern M. Redifer, P.E. - Director  
Yakima County Public Services Department

  
\_\_\_\_\_  
Date

**EXHIBIT 2A – TITLE VI ASSURANCES FOR CONSULTANTS, CONTRACTORS, SUBCONTRACTORS, SUPPLIERS, AND MANUFACTURERS**

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

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

**1. Compliance with Regulations.**

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

**2. Nondiscrimination.**

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

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

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

**4. Information and Reports.**

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

**5. Sanctions for Noncompliance.**

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

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

**6. Incorporation of Provisions.**

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

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Yakima County enter into such litigation to protect the interests of the County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **EXHIBIT 2B - GRANTING AND HABENDUM CLAUSES**

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

### **GRANTING CLAUSE**

NOW, THEREFORE, Yakima County, as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d-4) does hereby remise, release, quitclaim, and convey unto Yakima County 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 Yakima County, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Yakima County, its successors, and assigns.

Yakima County, 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 subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (, and) (2) that Yakima County, 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, Nondiscrimination of Federally assisted programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (, and) (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

### **EXHIBIT2C - LEASE/DEED PROVISIONS**

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by Yakima County pursuant to the provisions of Title VI Assurances, item 7:

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

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

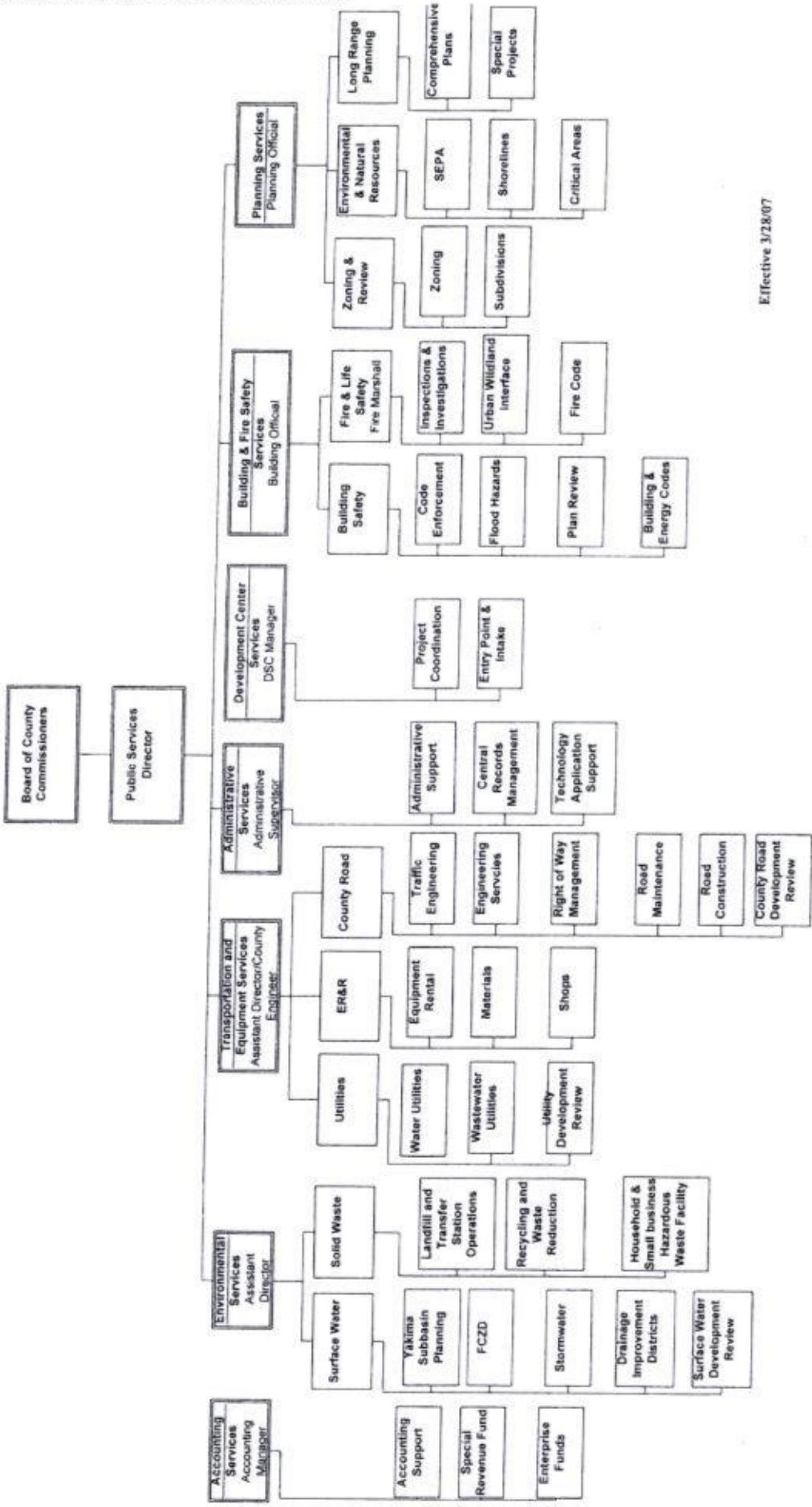
*The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Yakima County pursuant to the provisions of Title VI Assurances, item 7.*

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

## ATTACHMENT 1

## YAKIMA COUNTY PUBLIC SERVICES DEPARTMENT



Effective 3/28/07

## YAKIMA COUNTY POLICY STATEMENT

Yakima County 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 County sponsored program or activity. Yakima County 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 Yakima County distributes Federal aid funds to another entity, Yakima County will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the Board of County Commissioners pursuant to its budgetary authority and responsibility. The Agency Administrator and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

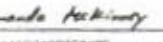
### BOARD OF YAKIMA COUNTY COMMISSIONERS

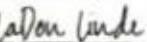
**DATED: MAR 29 2022**

*Attest*

DocuSigned by  
  
Julie Lawrence, Clerk of the Board



DocuSigned by  
  
Amanda McKinney, Chair

DocuSigned by  
  
LaDon Linde, Commissioner

DocuSigned by  
  
Ron Anderson, Commissioner

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### **BOARD OF YAKIMA COUNTY COMMISSIONERS**

**DATED: MAR 11 2025**

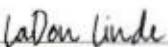


Kyle Curtis, Chair

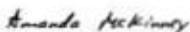
*Attest:*



Julie Lawrence, Clerk of the Board or  
Erin Frankling, Deputy Clerk of the Board



LaDon Linde, Commissioner



Amanda McKinney, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

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

**Assurances**

**DOT Order No. 1050.2A**

The County of Yakima (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 County of Yakima, 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, Yakima County 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.

Yakima County 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.

Yakima County  
(*Name of Recipient*)

by   
(*Signature of Authorized Official*)  
DATED 1/8/26

## 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 County of Yakima 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 County of Yakima 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 Yakima County 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 County of Yakima, its successors and assigns.

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