

Port of Grays Harbor

Title VI Plan

Adopted by

Port of Grays Harbor Commission

Resolution No. 3061

Adopted on November 8, 2022

Agency Administrator/Signatory Authority

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I. Title VI Policy Statement

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

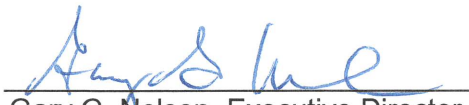
This policy applies to all operations of the Port of Grays Harbor, including its contractors and anyone who acts on behalf of the Port of Grays Harbor. This policy also applies to the operations of any department or agency to which the Port of Grays Harbor extends federal financial assistance. Federal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

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

Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality,

quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

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

Signed: 
Gary G. Nelson, Executive Director

Nov 8, 2022

II. Organization, Staffing, and Structure

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

The Port of Grays Harbor has designated the position of Director of Finance and Administration to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of Director of Finance and Administration is located within Finance Department.

The Title VI Coordinator is responsible for:

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

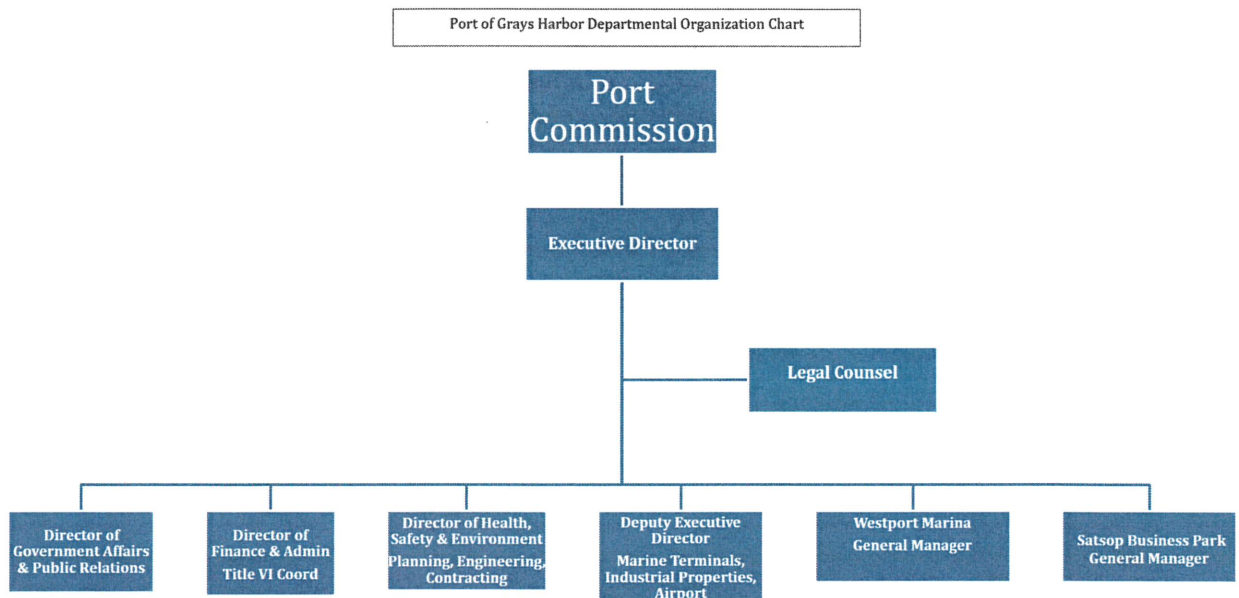
The Port of Grays Harbor is a county-wide port district governed by commission consisting of three elected commissioners. One of the duties of the commission is to appoint an Executive Director to oversee the day to day operations of the Port and implement the policy decisions of the commission.

The Title VI Coordinator will work with the Director of Health, Safety & Environment, Port Engineer and Contracts Manager to provide guidance, policy information and demographical data to ensure the planning, design, contracting and construction of transportation related projects on Port owned roads are accomplished in accordance with the requirements of this plan.

Almost all of the Port's roads are not classified as public right of way and are surrounded by Port owned properties, therefore right of way acquisition is highly unlikely for port transportation projects.

The Title VI Coordinator will work with the Port’s legal counsel and appropriate department heads to ensure that real estate transactions related to port owned roads and roadway projects are accomplished in accordance with the requirements of this plan.

The Title VI Coordinator will work with the Director of Governmental Affairs & Public Relations to incorporate the communications related requirements of this plan in the Port’s public outreach efforts and to assist the engineering and planning department in outreach related to roadway related projects.



III. Primary Program Area Descriptions & Review Procedures

Title VI Coordinator’s Responsibilities and Program Administration – As authorized by the Executive Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the Port of Grays Harbor’s compliance with Title VI requirements as follows:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way Legal Counsel and Business Development Staff	<ul style="list-style-type: none"> Responsible for all activities related to the purchase, sale, lease/use of real property related 	<ul style="list-style-type: none"> Ensure the preparation of deeds, permits and leases contain the appropriate Title VI clauses 	<ul style="list-style-type: none"> Ensure the property acquisition process follows the 5th Amendment of the Constitution, WSDOT Right of Way Manual and Local Agency Guidelines Manual,

	<p>to port owned roadways.</p> <ul style="list-style-type: none"> • Includes all aspects of procuring real estate consultant services and appraisal contracting and follow adopted Port vendor procurement policies in the acquisition of contracted services. 	<p>(Appendixes 2 and 3).</p> <ul style="list-style-type: none"> • Ensure that appraisal standards and communications associated with the appraisal and negotiation operations result in equitable treatment. • Ensure that relocation advisory assistance services are provided when appropriate equitably to all displaced persons and entities. 	<p>and all applicable local, state, and federal laws and regulations, including Title VI and Section 504.</p> <ul style="list-style-type: none"> • Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of business related to the property acquisition process. • Apprise property owners and tenants of their rights and options under eminent domain acquisition including appraisal, negotiation, relocation, condemnation, and other aspects of the acquisition process. • Ensure that relocation advisory assistance services are provided equitably to all displaced persons and entities.
<p>Planning Director of Health, Safety & Environment and Port Engineer</p>	<ul style="list-style-type: none"> • Responsible for updating the Port's Transportation Improvement Plan and Port Capital Improvement Budget related to the Port's road system. • Administration of the agency's grants program for transportation projects. • Coordinates with area agencies that Port facilities are located in during updates to transportation plans. 	<ul style="list-style-type: none"> • Advance principles of equity and social justice in capital, maintenance and operational decision-making, in coordination with the agency's Title VI Coordinator, communications, environmental, engineering and other departmental staff. • Coordinate with Grays Harbor County governments, local, state and federal 	<ul style="list-style-type: none"> • Analyze current demographic data from the U.S. census, American Community Survey, and other sources in support of evaluating transportation related planning, budget decisions, project impacts and benefits to the Grays Harbor County community members. • Coordinate with local agencies that assist traditionally underserved to identify transportation needs associated with Port owned roadways. • Participate in proposed updates by municipalities

		<p>agencies, regional organizations, and the public to address transportation issues.</p> <ul style="list-style-type: none"> • Ensure that all aspects of the planning process comply with Title VI. 	<p>Port facilities are located in, including comprehensive land use, zoning, transportation, and freight mobility planning.</p>
<p>Communication Director of Government and Public Affairs</p>	<ul style="list-style-type: none"> • Responsible for public outreach, involvement, and communication support for the Planning and Engineering Department. • Assist in conducting background research on projects to determine the community composition and appropriate outreach; ensure translation or interpretation services are available if the need is anticipated. • Work with appropriate departmental staff to ensure the public has information pertaining to the right to contact Port staff to view project plans and discuss concerns. 	<ul style="list-style-type: none"> • Assist department, project managers and other staff in providing, as appropriate, EJ and LEP populations with useful access to information and inclusion in program and project public outreach and involvement processes. • Incorporate adequate time into the project communication planning process to invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning and project outreach process. • Incorporate adequate time into the project communication planning process to invite participation of a cross section of the populace from social, economic, and ethnic groups 	<ul style="list-style-type: none"> • Assist Title VI Coordinator and departments involved in transportation planning and projects to evaluate applicability of, and help comply with, Limited English Proficiency (LEP), Environmental Justice (EJ) requirements, and Title VI compliance for transportation improvement programs and projects.

		<p>in the planning and project outreach process.</p> <ul style="list-style-type: none"> • Ensure access to public meetings related to transportation and roadway planning and projects by selecting accessible meeting locations and times; and striving to ensure public meetings are held to ensure predominately minority participation when projects will specifically impact those communities. 	
<p>Environmental Director of Health, Safety & Environment</p>	<ul style="list-style-type: none"> • Responsible for analyzing environmental issues, acquiring permits and approvals, and evaluating pending regulations to achieve cost-effective regulatory compliance and avoid or minimize adverse project/program impacts. • Due to limited staff capacity environmental justice analysis related to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits 	<ul style="list-style-type: none"> • Support public notification and make information accessible to public hearings and outreach meetings to review proposed project and subsequent impacts. • Develop mechanisms to identify population affected by a project. • Support Communication Services staff with providing access to persons with Limited English Proficiency affected by Cedar Waxing projects. 	<ul style="list-style-type: none"> • Monitor compliance with Title VI requirements in all aspects of the environmental process associated with construction projects/programs. • Review environmental information to assess economic and social impacts to ensure compliance with Title VI and Executive Order 12898, and to assist the Title VI Coordinator to identify any potential Title VI/Environmental Justice issues in the project/program development process.

	<p>will be conducted by partnerships with local agencies that assist these communities and through consultant services where necessary.</p> <ul style="list-style-type: none"> • Assist in integrating environmental considerations and regulatory requirements into Port transportation program and construction projects. • Work with regulatory agencies to streamline the environmental permit process. 		
<p>Contracting Director of Health, Safety & Environment, Port Engineer and Contracts Manager</p>	<ul style="list-style-type: none"> • Development and management of contracts and purchasing, including hiring of contractors either personally or through contract consultants. • Work with Port Engineer and departmental staff to assemble Requests for Proposals and Bid Packages, ensure competitive bidding process, recommend award of construction contracts based on lowest responsive/respons 	<ul style="list-style-type: none"> • Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects and seek to have contractor proactively achieve the goal(s). • Include Title VI assurance and provision language in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations. 	<ul style="list-style-type: none"> • Maintain necessary data and documentation required for completion of the department's Title VI Annual Report. • Review of directives and operational guidelines to ensure Title VI compliance. • Review and ensure all appropriate Title VI language is placed in bid announcements, requests for proposals and applicable contract documents.

	<p>ible bidder, assist with final negotiation, award, and execution.</p> <ul style="list-style-type: none"> • Responsible for administering Roads contracts and for ensuring compliance with contract provisions, including DBE goals and Equity and Social Justice Requirements. 	<ul style="list-style-type: none"> • Ensure that prime contractors and prime consultants with DBE requirements award contracted work to qualified DBEs, which perform commercially useful functions. 	
<p>Engineering Port Engineer</p>	<ul style="list-style-type: none"> • Responsible for design and construction of Capital Improvement (CIP) transportation projects; overseeing design consultants; coordinates with contracting and planning staff in assembling Requests for Proposals and Bid Packages. Ensures competitive selection of consultant firms. May perform studies to assess various environmental factors as they relate to project development, which include social and economic elements. 	<ul style="list-style-type: none"> • Maintain required Title VI compliance documentation and statistical data. • Work Closely with planning and communication staff to consult and seek input from affected populations. • Work closely with communication staff to provide notice of public hearings and meetings in a manner that maximizes outreach to minority and underserved populations. 	<ul style="list-style-type: none"> • Review activities associated with public hearings and informational meetings related to transportation projects to enhance the participation of targeted communities. • Work with contracting staff to Develop and update bidding and contracting policies and documentation to ensure the inclusion of Title VI language and provisions
<p>Construction</p>	<ul style="list-style-type: none"> • The Port completes construction of transportation projects through contracts administered by the Port Engineer and Contracts Manager. 	<ul style="list-style-type: none"> • The concerns and responsibilities listed for the Port Engineer and Contracts Manager apply to the construction of all federally funded transportation projects 	<ul style="list-style-type: none"> • The review procedures listed for the Port Engineer and Contracts Manager apply to the construction of all federally funded transportation projects administered through WSDOT

	Title VI responsibilities are outlined under those categories.	administered through WSDOT	
Maintenance	<ul style="list-style-type: none"> The Port Engineer and Contracts Manager are responsible for maintaining transportation infrastructure to maintain and preserve the Port's road system with an adequate level of service. 	<ul style="list-style-type: none"> The Port Engineer and Contracts Manager will monitor all maintenance operations and management practices to ensure nondiscrimination. 	<ul style="list-style-type: none"> The Title VI Coordinator will meet with the planning, engineering and contracting staff annually during the budget process to review planned maintenance projects to assure efforts and resources are applied uniformly and fairly.
Training Director of Finance and Administration	<ul style="list-style-type: none"> The Title VI Coordinator is responsible for working with all Port Staff to provide training and enforcement of Port hiring, nondiscrimination, harassment, violence prevention and similar human resource related laws regulations, policies, procedures, and guidelines. 	<ul style="list-style-type: none"> Plan and Assist with Title VI and other nondiscrimination related training. Ensure staff is notified of training provided by the National Highway Institute (NHI), WSDOT, Office of the Title VI Coordinator and other agencies. Ensure that no one is denied participation or subjected to discrimination on the basis of race, color, or national origin. 	<ul style="list-style-type: none"> Maintain program administration and data necessary for preparation of the annual Title VI Report, including attendance data. Review operational guidelines, policies and directives to ensure the inclusion of Title VI language and provisions.

IV. Review Procedures

The Port of Grays Harbor assures that every effort will be made to ensure non-discrimination in all programs and activities whether those programs are federally funded or not. Planning,

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).

engineering and contracting staff review and monitor requirements through bid evaluations, progress meetings with contractors and consultants, and project submittals.

A. Consultants and Contractors

Notifications and language consistent with the standard Title VI assurances, including appropriate Appendices is inserted in all advertisements, notices and solicitations for bids for work or materials, RFQ's, and negotiated agreements for federally funded roadway projects.

Specifications defining Title VI requirements based on USDOT 1050.2A are included in the contract documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the contractor. The Port of Grays Harbor works with WSDOT staff to establish goals for the participation of Disadvantaged Business Enterprises, when applicable.

After contract execution, the contractor is responsible for reporting requirements outlined in the contract, and adherence to all affirmative action and non-discrimination provisions for itself and its subcontractors in accordance with the provisions of the negotiated agreement. For FHWA administered contracts, the Port of Grays Harbor utilizes the Diversity Compliance Management System (DCMS) for tracking DBE participation. DCMS requires prime consultants and subconsultants to report payments on a monthly basis for tracking participation percentages for certified firms. Port financial staff routinely review the database as part of monthly progress payment approvals.

B. Subrecipients

Title VI Coordinator, planning, engineering and contracting staff will assist WSDOT to periodically conduct Title VI compliance reviews. Due to the limited size and availability of Port staff, this assistance will normally be conducted by consultants contracted for the design and construction management phases of the project or under separate contract as appropriate.

When a subrecipient fails or refuses to comply with Title VI requirements within a specified time frame provided by the Port of Grays Harbor, the Port will submit to WSDOT and FHWA documentation and recommend that the subrecipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to determine if the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, The Port of Grays Harbor WSDOT may, with FHWA's concurrence, initiate sanction per 49 CFR 21.

V. Data Collection/Reporting/Analysis

While the Port of Grays Harbor is a county wide port district, it has a limited number and length of roadways, of which a very small portion are classified and eligible for federal funding through FHWA. All of the classified roadways are located with the Port Industrial area located within the cities of Aberdeen and Hoquiam. Based on this, federally funded projects will include maintenance, repair, and upgrades to existing roadways.

Based on this, data collection, reporting and analysis falls into the following general programs.

A. Communications and Outreach

The Title VI Coordinator and Director of Government Affairs and Public Relations collect and review demographic data from several sources recommended by WSDOT, including the US Census and American Community Survey (ACS). The data is used to guide the Port's public involvement strategy and make improvements as appropriate.

B. Project Specific

The specific types and amounts of data collection, reporting and analysis will be tailored to fit individual federally funded roadway projects. All of the program elements and responsible staff indicated in Section III of this plan will work with the Title VI Coordinator to determine the area of impact for each project, and then collect appropriate data to create an outreach and engagement strategy to prevent and mitigate where necessary disproportionate adverse impacts on LEP, minority, and low-income populations affected by the project.

VI. Title VI Training

In keeping with adopted Port of Grays Harbor's policy of nondiscrimination, departmental procedures will be for Port staff to have equal access to applicable educational and training opportunities. Port staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports, and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for overall Title VI related training and staff development for employees related to Title VI requirements. The Coordinator will work with training staff and department heads to organize or conduct a minimum of one internal Title VI training session annually. WSDOT's Office of Equal Opportunity may be asked to provide applicable training.

VII. Title VI Complaint Procedures

Discrimination Complaint Procedure for the Port of Grays Harbor

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

Complaints related to the Federal-aid programs may be filed with the Port of Grays Harbor and will be forwarded to Washington State Department of Transportation – Office of Equal Opportunity. If you need assistance to file your complaint or need interpretation services, please contact the Director of Finance and Administration (the Port of Grays Harbor Title VI Coordinator).

Who is eligible to file a complaint?

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

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

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact the Director of Finance and Administration (the Port of Grays Harbor Title VI Coordinator) if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the Director of Finance and Administration (the Port of Grays Harbor Title VI Coordinator).

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

A complaint should contain the following information:

- The complainant's contact information, including, if available: full name, mailing address, phone number (and best time to call), and email address (if available);
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific person(s) and/or agencies/organizations alleged to have discriminated;
- A description of the alleged discriminatory actions, meaning sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

All Title VI complaints are logged. A copy of the Port of Grays Harbor Title VI complaint log is attached to this plan. The Title VI Coordinator maintains the complaint log which includes 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.

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

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

of Grays Harbor will not accept, dismiss, or assess the merit of a case before forwarding it to WSDOT-Office of Equal Opportunity

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

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

CivilRights.FHWA@dot.gov

What happens after a complaint is filed?

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

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

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

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

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

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

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

Who _____ When _____

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

Complaint number, if known _____

Do you have an attorney in this matter? _____

Name (print) _____

Phone _____ Address _____

City _____ Zip _____

Signed _____ Date _____

IX. Public Participation

The Port commission annually holds regular meetings in one east county and one west county location to expand access for all citizens including minority and underserved populations. Port staff also attend council meetings in all of the cities within the county to provide updates on port activities including transportation projects.

The Port Director of Government Affairs and Public Relations updates the Port's Communication Plan on an annual basis. The Director will work with the Title VI Coordinator and staff to identify strategies and partnerships with area agencies to increase access to information and participation by minority and underserved populations as gaps are identified.

Federally funded roadway projects have not been large enough to make public outreach meetings practical due to the limited area of impact. However, if a project were identified where this was practical the Port would include this in developing the outreach strategy for the project.

X. Limited English Proficiency

Based on an initial review of demographic information obtained from US Census and the ACS, the Port has determined one language (Spanish) meets the LEP criteria. The highest

percentage of that LEP population is located in the east county and not within or adjacent to any Port owned properties or roadways. The Port will work with area agencies that have outreach to this population to determine what steps are appropriate to provide access and participation to this population.

Port staff will periodically review demographic information and make general changes as necessary. Staff will consider targeted outreach for federally funded roadway projects. This will include identifying vital documents and informational materials and whether to translate these materials directly or seek the assistance of existing agencies and organizations to disseminate the information to LEP populations.

XI. Environmental Justice

As individual federally funded roadway projects are authorized and initiated, a project review process is initiated early in the project preliminary design phase. Early and ongoing project review is informed by an evolving understanding of the project stakeholders, constituent interests and demographic information obtained by census data GIS data. As the project evolves, the project team will incorporate EJ principals, informed by the demographic information in all phases of the project from planning through construction and maintenance. Understanding of the community and road users being served by the project and specific project products are informed by this data. For non-exempt transportation projects with federal funds, additional stakeholder information is provided via Environmental Justice (EJ) documentation for NEPA.

XII. Notice of Title VI Rights

The Port of Grays Harbor has adopted the following standard notice. The notice is included in any federally funded roadway project information provided to the public.

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

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Port of Grays Harbor. Any such complaint filed with the Port of Grays Harbor Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI discrimination Complaint Forms may be obtained from the Port of Grays Harbor Director of Finance and Administration at no cost to the complainant.

To file a Title VI discrimination complaint, contact:

Port of Grays Harbor
ATTN: Director of Finance and Administration
PO Box 660
Aberdeen, WA 98520
mfolkers@portgrays.org
Phone: 360-533-9528

Washington Department of Transportation
Office of Equal Opportunity – Title VI
Box 47314
Olympia, WA 98504-7314
TitleVI@wsdot.wa.gov
Phone: (800) 259-9143

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

Assurances

DOT Order No. 1050.2A

The (***Port of Grays Harbor***) (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 (*Port of Grays Harbor*), 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, [**Port of Grays Harbor**] 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 (WSDOT)**] 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 [**WSDOT**]. You must keep records, reports, and submit the material for review upon request to [**WSDOT**], 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.

[**Port of Grays Harbo**] 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.

__Port of Grays Harbor__
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED Sept 29, 2022

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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)**, its successors and assigns.

The **(Port of Grays Harbor)**, 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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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, **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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 **(Port of Grays Harbor)** 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, **(Port of Grays Harbor)** 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, **(Port of Grays Harbor)** will there upon revert to and vest in and become the absolute property of **(Port of Grays Harbor)** 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).