Title VI Plan

Prepared by
Cowlitz-Wahkiakum Council of Governments
PO Box 128
Kelso, WA 98626

Executive Director ~ William A. Fashing
Phone (360) 577-3041
Email bfashing@cwcog.org
Website www.cwcog.org

Cowlitz-Wahkiakum Council of Governments
Executive Committee Review – March 2024
CWCOG Board of Directors Adoption – April 2024

Washington State Department of Transportation
Office of Equity and Civil Rights – May 2024
Office of the Secretary – May 2024
Public Transportation Division – May 2024

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Washington State Department of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 14, 2024

William Fashing, Administrator
Cowlitz-Wahkiakum COG
PO Box 128
Kelso, WA 98626

Dear Mr. Fashing:

WSDOT approved your Title VI Plan. As stated in Chapter 28 of the Local Agency Guidelines (pg. 28-4), "When the LPA makes a substantial change to its Plan, the LPA must submit revisions to [WSDOT-OECR] within 30 days of the effective date of a substantial change. Substantial changes requiring revisions include but are not limited to changes in an LPA's CEO, changes in the LPA's Title VI Coordinator, and administrative changes in program structure." As a public document, your Title VI Plan **must** be posted on your website.

WSDOT is committed to providing any assistance you may need with your Title VI Program implementation process. For assistance, please contact me at 360-522-2794 or at KarolcD@wsdot.wa.gov .

Sincerely,

Doris Karolczyk

Doris Karolczyk
External Civil Rights Specialist
Office of Equity and Civil Rights
Formerly Office of Equal Opportunity
Washington State Department of Transportation

cc: Robert Klug, Local Programs Engineer
Bill Baumann, Public Transportation Div.

Cowlitz-Wahkiakum Council of Governments

A Resolution to Adopt the)
Cowlitz-Wahkiakum Council of)
Governments 2024 Title VI Plan)

RESOLUTION NO. 24-07

WHEREAS, the Cowlitz-Wahkiakum Council of Governments (CWCOG) in its role as the Metropolitan Planning Organization (MPO) for the Kelso-Longview-Rainier Urban Area and the lead agency for the Southwest Washington Regional Transportation Planning Organization (SWRTPO) does receive federal funding through the Washington State Department of Transportation (WSDOT) for both the MPO and the RTPO; and

WHEREAS, the receipt of said federal funds requires the CWCOG to implement policy that ensures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity; and

WHEREAS, the CWCOG is committed as an agency to assure that every effort is made to ensure nondiscrimination across all its programs and activities, whether or not those programs or activities are federally funded; and

WHEREAS, the CWCOG is also committed to providing reasonable assistance to those with limited proficiency in English to facilitate their participation in regional planning processes; and

WHEREAS, the Washington State Department of Transportation's (WSDOT) Office of Equity and Civil Rights has declared the CWCOG's 2024 Title VI Plan meets the Title VI requirements of the Federal Highway Administration; and

WHEREAS, the Public Transportation Division of WSDOT has declared the same is in alignment with the Federal Transit Administration's Circular 4702.1B establishing the general requirements and guidelines for preparing and submitting a Title VI plan;

NOW, THEREFORE, BE IT RESOLVED that by affirmative action on this resolution, the CWCOG Board of Directors does hereby adopt the CWCOG 2024 Title VI Plan as presented.

PASSED AND APPROVED on this 25th day of April 2024.

William A. Fashing, Executive Director

Mike Karnofski, Vice-Chair

History of Title VI Revisions:

Resolution 26-32: Board approved revisions to the Title VI plan in October 2026

TITLE VI POLICY STATEMENT:

It is the policy of the Cowlitz-Wahkiakum Council of Governments (CWCOG) 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 CWCOG as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the CWCOG, including its contractors and anyone who acts on behalf of the CWCOG. This policy also applies to the operations of any department or agency to which the CWCOG 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 SC 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.

Cowlitz-Wahkiakum Council of Governments

By: William A. Fashing

William A. Fashing
Executive Director

Date: May 8, 2024

TITLE VI AUTHORITIES & CITATIONS:

Authorities

Title VI of the 1964 Civil Rights Act and the Civil Rights Restoration Act of 1987 (P.L. 100.259) provides that no person in the United States shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs and activities" to include all programs and 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 Citations

- Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259)
- 42 USC 2000d to 2000d-4 – The Public Health and Welfare Subchapter V – Federally Assisted Programs
- 42 USC 4601 to 4655 – Uniform Relocation Assistance and Real Property Acquisitions Policies for Federal and Federally Assisted Programs
- 23 USC 109 (h) – Title 23 – Highways, Subsection 109 - Standards
- 23 USC 324 – Prohibition of discrimination on the basis of sex
- DOT Order 1050.2 – Standard DOT Title VI Assurances
- Executive Order (EO) 12250 – Leadership and Coordination of Nondiscrimination Laws – Coordination of Grant-Related Civil Rights Statutes
- EO 14224 designated English as the official language of the federal government
- EO 14281 Restoring Equality of Opportunity and Meritocracy
- 28 CFR 50.3 – Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964

Department and Program Specific Citations

Transportation

Planning

- 23 CFR 450 – Title 23 Highways; Part 450 – Planning Assistance and Standards
- RCW 35.77 – Streets – Planning, Establishment, Construction, and Maintenance
- RCW 36 – Counties
- RCW 47.06 – Statewide Transportation Planning
- RCW 47.80 – Regional Transportation Planning Organizations

Procurement

- WSDOT Local Agency Guidelines
- 48 CFR 31 – Federal Acquisition Regulations System, Part 31 – Contract Cost Principles and Procedures
- 23 CFR 172 – Administration of Engineering and Design Related Service Contracts

Economic Development
Planning

- 13 CFR Chapter III 302.20 - Civil rights.

ORGANIZATION, STAFFING, AND STRUCTURE:

Organizational Chart – Reporting Relationships

CWCOG Board of Directors
Approves for Implementation Agency Level Policy

CWCOG Executive Committee
Recommends to the Board of Directors approval of Agency Level Policy
Reviews Administrative Policy

CWCOG Executive Director
Drafts, Reviews, Approves for Recommendation Agency Policy
Drafts, Reviews, Approves for Implementation Administrative Policy
Program / Project Management & Coordination
Ensures Policy Compliance

Administrative Director	**Business Administrator**
Acts as Executive Director in absence of	Acts as Director of Administration in absence of
Ensures Policy Compliance	Drafts Board and Agency Level Policy
Drafts, Reviews Agency & Administrative Policy	Research, Drafts Administrative Policy
Ensures Policy Compliance	Reports Policy Compliance
Grants & Contract Management	Human Resources
Risk Management	Training Coordinator

Title VI Coordinator
Manages Title VI Training for Staff
Conducts Required Elements of Title VI Plan

Departmental / Program Planners
Transportation, Economic Development, Community Development, Administration
Title VI Liaisons

Staffing

Executive Director: The CWCOG Executive Director is the agency's administrator and is authorized to ensure compliance with provisions of the CWCOG policy of non-discrimination and with the laws governing Title VI compliance. The CWCOG's compliance function and Title VI coordination shall be performed under the authority of the Executive Director.

Title VI Coordinator: The Title VI Coordinator is a separate job description attached to a full-time equivalent (FTE) position and charged with performing the duties of the Title VI Coordinator (Coordinator) to implement the CWCOG's Title VI Plan regardless of funding source. The Coordinator position is considered part-time in relation to the other duties assigned to the FTE position. At any time, the Title VI Coordinator, in consultation with the Executive Director and/or Director of Administration, may solicit the help of other staff in fulfilling the responsibilities of this role. The Coordinator reports directly to the Executive Director.

Administrative Director: The Administrative Director is the agency's Grants and Compliance Manager and works in concert with the Executive Director and Title VI Coordinator to ensure compliance.

Departmental / Program Planners: The CWCOG has designated all staff as Title VI Liaisons (Liaisons) within their different assigned program areas. These Liaisons are accountable to the Executive Director but collaborate and report all Title VI activities to the Coordinator to ensure compliance with grant, contract, and Title VI Plan fulfillment.

Title VI Coordinator Responsibilities

The Title VI Coordinator's responsibilities and program administration, as authorized by the Executive Director, shall include initiating, monitoring, and ensuring the CWCOG's compliance with Title VI requirements as follows:

Administration

The Coordinator, in collaboration with the Executive Director, will administer the Title VI Plan and implementation thereof ensuring compliance with the assurances, policy, and program(s) objectives. They will perform Title VI reviews to assess administrative procedures, staffing, resources, and provide recommendations as necessary to the Executive Director.

Complaints

It is the responsibility of the Coordinator to review written Title VI complaints as they are received by the CWCOG, report them to the Executive Director, ensure the complaint response process follows the procedural guidelines, and that every effort is made to resolve complaints informally at the local or regional level (Title VI Complaint Procedures page 15).

Data Collection

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

Education and Training

The Coordinator, in collaboration with the Executive Director, is responsible for overall Title VI related training and staff development for Title VI Liaisons and other Agency employees.

Title VI Plan Update

The Coordinator shall review and update the CWCOG's Title VI Plan as needed or required and present it to the Executive Director for review and recommendation to the Executive Committee for Board approval.

Annual Accomplishment and Goals Report(s)

The Coordinator, in collaboration with the Executive Director and Liaisons, shall directly or

indirectly prepare an annual WSDOT Title VI Accomplishments & Goals Report This includes changes to the program from the preceding federal fiscal year as well as goals and objectives for the upcoming year. This report shall be completed on time as required and will also address any concerns or additional information required by WSDOT. The Coordinator will also prepare and deliver any other such reports as required by CWCOG funding agencies.

Public Dissemination

The Coordinator will work with CWCOG staff to develop and disseminate Title VI information to all CWCOG employees and sub-recipients including contractors, sub-contractors, consultants, sub-consultants, beneficiaries, and the public as necessitated by each department or program area.

Prevention of Discrimination

The Coordinator will work with department or program staff to establish procedures to identify and eliminate discrimination that may be discovered within the CWCOG's processes.

Maintain Legislative and Procedural Information

The Coordinator shall maintain information on laws, rules, regulations, guidelines, current Title VI policies, and other resource information pertaining to the implementation and administration of the CWCOG's Title VI processes. The Coordinator will also complete any required reporting of Title VI activities. Information will be made available to other agencies, and/or the public as requested or required.

DEMOGRAPHIC PROFILE:

The Southwest Washington Regional Transportation Planning Organization (SWRTPO) consists of Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum counties. In total, these five counties make up an area of 6,641 square miles (4,250,240 acres) in Southwest Washington. While the Metropolitan Planning Organization (MPO) is comprised of Cowlitz County and the City of Rainier, Oregon.

Through its work, the CWCOG does not anticipate any disparate impacts on the basis of race, color, or national origin.

The following tables display a demographic breakdown of the region including population by age, race and ethnicity, languages spoken at home, and limited English-speaking households.

POPULATION BY AGE

	COWLITZ	GRAYS HARBOR	LEWIS	PACIFIC	WAHKIAKUM
TOTAL	112,360	77,053	85,154	23,994	4,658
UNDER AGE 5	6,390	3,618	4,812	804	172
UNDER AGE 18	25,231	15,217	18,423	3,602	817
AGE 18 AND OVER	87,129	61,836	66,731	20,392	3,841
OVER AGE 65	22,230	17,980	18,211	7,921	1,590

Source: ACS 5-Year Estimates 2024

RACE AND ETHNICITY

	COWLITZ	GRAYS HARBOR	LEWIS	PACIFIC	WAHKIAKUM
TOTAL	110,621	75,672	82,663	23,396	4,476
WHITE	103,632	67,710	77,955	20,763	4,098
BLACK OR AFRICAN AMERICAN	2,136	1,603	1,824	333	73
AMERICAN INDIAN OR ALASKAN NATIVE	4,836	4,922	3,099	937	191
ASIAN	2,687	1,854	1,751	607	160
NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	716	618	516	80	52
SOME OTHER RACE	6,053	5,197	6,160	2,253	259
HISPANIC OR LATINO	10,851	8,186	9,220	2,390	329
NOT HISPANIC OR LATINO	99,770	67,486	73,443	21,006	4,147

Source: ACS 5-Year Estimates 2022

LANGUAGES SPOKEN AT HOME AND LIMITED ENGLISH-SPEAKING HOUSEHOLDS

	COWLITZ	GRAYS HARBOR	LEWIS	PACIFIC	WAHKIAKUM
TOTAL HOUSEHOLDS	43,943	30,628	32,916	10,977	2,100
LIMITED ENGLISH-SPEAKING HOUSEHOLDS	685	517	462	80	0
SPANISH	2,433	1,956	2,243	727	23
OTHER INDO-EUROPEAN LANGUAGES	728	495	528	300	26
ASIAN AND PACIFIC ISLAND LANGUAGES	668	429	346	151	0
OTHER LANGUAGES	47	133	9	22	0

Source: ACS 5-Year Estimates 2024

CWCOG and SWRTPO Federal Funding Distribution

Tables and a map showing the CWCOG and SWRTPO federal funding that has been awarded since 2017 is included below. These showcase the projects that were funded with Surface Transportation Block grant (STBG), Carbon Reduction Program (CRP), Transportation Alternatives (TA), and Highway Improvement Program (HIP) funding. The CWCOG is responsible for distributing STBG, CRP, and HIP funds for Cowlitz County and TA funds for the five-county SWRTPO area.

The tables below show the breakdown of SWRTPO and CWCOG funding by minority area. Projects that covered multiple census tracts, entire counties, or the whole five-county region were included in the highest percent minority area they impacted.

SWRTPO FEDERAL FUNDING AWARDED SINCE 2017

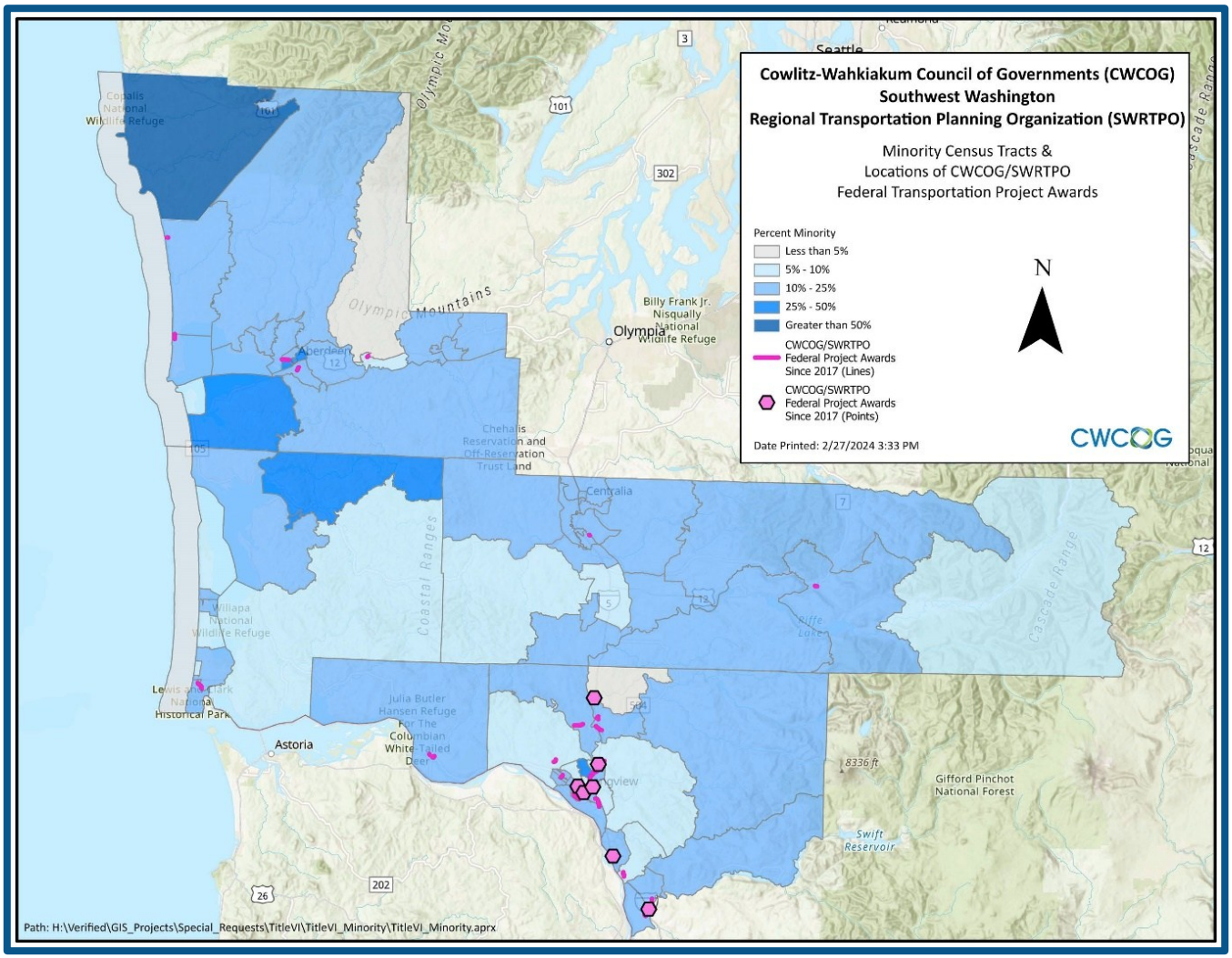
MINORITY AREA	TOTAL FEDERAL FUNDING	PERCENT OF TOTAL FEDERAL FUNDING
5%-10% MINORITY	$301,020	5%
10%-25% MINORITY	$5,087,558	88%
25%-50% MINORITY	$80,000	1%
GREATER THAN 50% MINORITY	$310,000	5%
TOTAL	$5,778,578	100%

Source: CWCOG Transportation Planning
Note: Total may not sum due to rounding

CWCOG Federal Funding Awarded Since 2017

MINORITY AREA	TOTAL FEDERAL FUNDING	PERCENT OF TOTAL FEDERAL FUNDING
5%-10% MINORITY	$3,944,771	24%
10%-25% MINORITY	$12,513,703	76%
25%-50% MINORITY	$0	0%
GREATER THAN 50% MINORITY	$0	0%
TOTAL	$16,458,474	100%

Source: CWCOG Transportation Planning
Note: Total may not sum due to rounding



Source: ACS 5-Year Estimates 2022, CWCOG Transportation Planning

Accommodating Special Populations

For its planning efforts, CWCOG staff analyzes regional demographic data to identify minority populations within the region and provides stakeholders with this information to assist them in identifying minority populations in their service areas. Staff work to ensure that members of minority communities are provided with full opportunities to engage in public participation processes. This includes actions to eliminate obstacles caused by language, physical impairments, economic status, and other obstacles.

CWCOG staff studies population data and collaborates with stakeholders and local officials to determine how staff could reasonably accommodate members of the public who do not speak English as a first language. Spanish language surveys are developed and an option to request surveys in additional languages is provided. Notices also included the option to request TDD services to accommodate the hearing impaired.

To accommodate mobility issues, efforts are made to hold meetings in facilities that are ADA compliant and near a bus stop. Staff will consider options for the timing and location of public meetings to include locations on bus routes during time of scheduled operations to allow participants to access meetings using public transportation.

PROGRAM AREAS AND REVIEW PROCEDURES:

CWCOG Overview

The activities of the CWCOG are those of a long-range planning agency as prescribed under RCW 36.64.080 and include community development, economic development, transportation planning, and the furtherance of the program.

The Civil Rights Restoration Act of 1987 clarified the broad institution-wide application of Title VI and other nondiscrimination statutes, meaning that Title VI (and other nondiscrimination statutes) applies to the entire operations of recipients of federal financial assistance regardless of funding source.

The CWCOG shall annually report Title VI activities as required by its individual, federally funded programs. Title VI Liaisons shall contribute data from their respective departments or programs as needed for each report.

Staff in each program are required to attend Title VI training upon hiring and are provided with further training opportunities throughout their employment. As stated in the Staffing section on page 5, all staff are designated as Title VI Liaisons within their different assigned program areas. They collaborate and report all Title VI activities to the Coordinator to ensure compliance with grant, contract, and Title VI Plan fulfillment.

These activities include but are not limited to:

- Completion of a Title VI action plan at the initiation of a project where public input will be solicited.
- Providing marketing material and advertisements in languages other than English as required;
- Providing Title VI involvement and complaint forms at all outreach event and public meetings;

- Including Title VI language on all marketing material, advertisements, media notices, surveys, and meeting invitations;
- Including demographic questions on surveys;
- Providing all gathered information related to Title VI to the Coordinator

These activities are explained in further detail in the Data Collection Procedures section of this plan.

Transportation

Transportation responsibilities include the operation of the Metropolitan Transportation Planning Organization (MPO), the Regional Transportation Planning Organization (RTPO) and the Regional Mobility Management Program. The program is limited to planning, design, education, and training as the CWCOG does not build or maintain infrastructure.

It is the responsibility of the RTPO to award funding to agencies within the five-county area for the Transportation Alternatives (TA) Program, develop the Regional Transportation Plan, develop a Coordinated Public Transportation – Human Services Transportation Plan and develop the Regional Transportation Improvement Program for the region. The RTPO also works with local agencies to ensure their comprehensive plan transportation elements are consistent with the Regional Transportation Plan.

The duties of an MPO are to review and approve major, regional transportation network improvements implemented by participating local governments through the Metropolitan Transportation Improvement Program, allocate funding for Cowlitz county agencies through the Surface Transportation Block Grant Program (STBG). The CWCOG, as the MPO, reviews recommendations from the Cowlitz Area Technical Advisory Committee (CATAC) and CWCOG staff on prioritized plans, projects, reports, and long-range planning documents that are submitted to and funded through the Washington State Department of Transportation (WSDOT) for the Longview urbanized area.

As part of the Mobility Management Program, CWCOG staff works with transportation and human service providers serving Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum Counties – the regional area covered by the Southwest Washington Regional Transportation Planning Organization (SWRTPO), as well as providers serving the cities of Longview, Kelso and Rainier, Oregon – the urbanized area covered by the Metropolitan Planning Organization (MPO).

CWCOG transportation planning staff works closely with local agencies, ports, and private sector representatives, and stakeholders in the development of the long-range transportation planning activities for the SWRTPO and MPO areas. This program includes conducting travel training for members of the public, transportation providers, social service agencies, and other stakeholders. The full work of the CWCOG is outlined in the required Unified Planning Work Program (UPWP).

The MPO is federally funded through Federal Highway Administration (FHWA) and Federal Transit Authority (FTA), and requires an annual report be submitted in a format dictated by the Washington State Department of Transportation (WSDOT) Local Agency Guidelines (LAG) Manual, Appendix 28.74 – Annual Report for Agency with Population Over 100,000. This report is due

yearly on the anniversary of the approval of the Plan and is to be submitted to Washington State Department of Transportation Regional Local Programs Engineer.

Economic Development

The CWCOG Economic Development Program provides a forum for agencies, both public and private, to discuss regional issues across numerous jurisdictional boundaries and to have meaningful conversations regarding the growth and economic health of the region. From these discussions comes collaboration and action that help to improve the economic vitality and livability of our communities. The creation and implementation of the Comprehensive Economic Development Strategy (CEDS) is a major responsibility of the Program as it is required by the US Department of Commerce Economic Development Administration (EDA).

The CEDS identifies strategies for improvements in infrastructure, business development, workforce development and other emphasis areas identified by the community. The CEDS includes trends, indicators, and projects that address the region's economic development goals. The CEDS is required to be updated every five years in conjunction with our many partners throughout the two-county economic development district. A CEDS update will be completed annually that includes economic updates, trends, indicators, and projects that support the CEDS five-year goals, objectives, and strategies.

The Economic Development Program is federally funded in part by the EDA. No Title VI report is required by EDA currently. However, CWCOG Staff operates the program in compliance with Title VI.

SUB-RECIPIENT REVIEWS AND REMEDIAL ACTION PROCEDURES:

Sub-Recipient Review

The Coordinator, assisted by Title VI Liaisons, shall periodically conduct Title VI compliance reviews of select recipients of federal funds. The review of recipients shall ensure adherence to the Title VI requirements (see Compliance Reviews on page 13). The Coordinator and Liaisons will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language provisions and related requirements, where applicable are understood and followed.

Post Grant Review

The Coordinator will collaborate with Liaisons and staff to conduct periodic post-grant reviews of select recipients of federal funds to ensure adherence to Title VI requirements (see Compliance Reviews on page 13). Appropriate staff will periodically confirm the operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language provisions and related requirements, where applicable are understood and followed.

Remedial Action

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

Title VI compliance reviews, the CWCOG will reduce to writing any recommended remedial action agreed upon by the CWCOG and sub-recipient and provide a copy of a letter to the sub-recipient within 45 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the CWCOG will submit to the appropriate oversight agency copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

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 Plan requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the CWCOG and appropriate oversight agency may, with WSDOT's concurrence, initiate sanctions per 49 CFR 21.

DATA COLLECTION PROCEDURES:

The CWCOG makes it a practice to collect regional data on many levels to speak to the dynamics and needs of the area as it relates to long-range planning. For the purposes of Title VI requirements, CWCOG shall endeavor to collect data specifically to ensure compliance in all programs and activities, especially where programs and activities are federally funded regardless of the source of the federal funds.

The CWCOG will collect and analyze data about the people it serves. The CWCOG will work to eliminate discrimination when identified and take affirmative measures to ensure discrimination is not present within CWCOG programs.

Data analysis in relation to the Title VI Plan shall include distribution of benefits to the population based on poverty, groups and communities that are likely to face negative impacts or discrimination. CWCOG will also analyze the impacts of planned investments on race, color, national origin, income, gender, disability, and age groups.

As required, CWCOG will consider allocation of funding by transit modes with an emphasis on safety. As the community plans for new facilities and linking of transit services, the CWCOG shall update the changes in population size and makeup as needed. Each newly implemented project will include the creation of a Title VI action plan including a language needs assessment.

Complaints

All complaints shall be collected in a manner consistent with this plan's procedures and materials shall be retained in Title VI files.

Compliance Reviews

Federally funded programs shall be reviewed on a periodic basis for compliance, benefit application, demographics, contract assurance language, and other applicable data to ensure Title VI is being applied appropriately. Data shall be collected in a way appropriate to the project or program.

For sub-recipients of federal funds, the CWCOG annually collects and retains a copy of the sub-recipient's Title VI Plan.

Contracts
A list of all contracts, sub-recipients, and bids for contracts and consultants shall be kept by the CWCOG and be available to the Title VI Coordinator. All federally funded contracts shall be reviewed, inventoried, and documented in accordance with Appendix A of the Standard Title VI Assurances included on page 36 of this plan.

Identification of Services
A list of agencies that provide support services for Title VI efforts shall be maintained by the CWCOG to include services offered, website, and contact information that may be utilized by the CWCOG in providing Title VI and LEP benefits or activities.

Public Meetings
Title VI Liaisons shall make the approved Public Involvement form available at all public meetings seeking input for planning or projects specific efforts. These forms shall be collected at the end of every meeting and maintained with the attendance form. Copies shall be provided for the Title VI files. All requests for translation services shall be documented appropriately and reported to the Title VI Coordinator.

Statistics
The CWCOG will continue to collect and use census data, the Health Disparities map, and other resources for the local region. When available, language proficiency will also be collected to assess LEP needs. The Title VI Liaisons shall report to the Coordinator when such statistics are being collected and/or analyzed and provide a copy for the Title VI file.

Surveys
Surveys held under federally funded programs shall include demographic questions to assess the population reached. This data shall be used to assess if the program or project benefit was appropriately applied to the service population. Electronic survey results shall be kept with the program files and saved to the Title VI files.

Training
All employees will receive Title VI training upon hire and provide a signed copy of the receipt of training. All Title VI training for staff will be documented in writing and maintained in the Title VI files. CWCOG will assist in providing training for contractor, consultant, or sub-recipients upon request.

TITLE VI TRAINING:

Education and Training
The Coordinator will conduct or facilitate training and/or distribute information on available training opportunities regarding Title VI issues and regulations to all CWCOG employees as needed and/or becomes available. Title VI training will be provided for all new employees upon hire and one internal Title VI training session will be conducted annually. The CWCOG will provide equal access to and participation in applicable Title VI courses for all CWCOG employees as the budget allows. The CWCOG will use Title VI training materials made available through federal funding agencies to supplement other training that may be provided.

When deemed necessary, the Coordinator and/or appropriate Liaison shall provide necessary training or information to contractors, consultants, and sub-recipients.

Distribution of Title VI Information

A unique implementation plan will be developed for each planning project the CWCOG undertakes to guide the Title VI work. The plan will include an analysis of the geographic area serviced and outlined the public participation process anticipated to be delivered for the effort. The plan could include surveys, flyers, maps, and other communication tools. The plan will also identify key partners and partner locations for distribution of materials that the CWCOG will use in the effort.

The CWCOG will house pertinent Title VI information on the agency website, including the Title VI Plan and complaint forms. As well as in public areas of the CWCOG office.

The CWCOG will disseminate information to media outlets including regional minority media and ethnic/gender related organizations to improve access to participate in the planning process.

Notices and surveys will be posted on the CWCOG website which includes a Title VI advisement in Spanish regarding translation. Surveys opportunities will be disseminated as outlined above for general information.

Survey participants will be asked to submit information for the Title VI process. The results of surveys will be analyzed to determine the effectiveness of the outreach to key populations.

Attendees of in-person meetings will be asked to complete the Title VI participant questionnaire included in the appendices of this Plan. Attendees of virtual meetings will be asked to complete the survey using a link provided in the Chat function.

Promotion or advertising for public meetings or requests for public participation shall meet all Title VI and LEP requirements. Liaisons will ensure that copies of materials are available in Spanish, posted to the web page, and when possible, promoted or if necessary, placed as paid notices in media forms that reach the identified population of concern. When appropriate, notice advising LEP residents that free language assistance is available will also be included in event and activity promotional materials.

A copy of all promotions or advertisements including, but not limited to, flyers, paid advertisements, handouts, and pamphlets shall be retained in the Agency's Title VI files.

The CWCOG uses visualization techniques such as maps, charts, graphs, illustrations, presentations, and videos in meetings and in print to provide information and concepts to enhance understanding. Visualization techniques can be helpful when communicating with LEP or low-literacy persons. CWCOG strives to provide an easy-to-understand visual message when possible.

TITLE VI COMPLAINT PROCEDURES:

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

Complaints related to the federal-aid programs may be filed with the CWCOG and will be forwarded to Washington State Department of Transportation (WSDOT) Office of Equity and Civil

Rights. If you need assistance to file your complaint or need interpretation services, please contact the CWCOG Title VI Coordinator at TitleVI-ADA@cwcog.org or 360-577-3041.

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

These procedures cover any complaints filed under Title VI of the Civil Rights Act of 1964 as amended and the Civil Rights Restoration Act of 1987 relating to any program or activity administered by the CWCOG as well as sub-recipients, consultants, and contractors.

Terms

Complainant

The individual, group, or organization filing the complaint and/or named as the victim on the CWCOG Discrimination Complaint Form.

Respondent

The individual, group, or organization named on the CWCOG Title VI Discrimination Complaint Form as the alleged discriminator.

Discrimination

A lack of access, harassment, retaliation and disparate impacts from a program or activity.

Harassment

A wide range of abusive and humiliating verbal or physical behaviors.

Retaliation

Intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

Federal Highway Administration (FHWA) Procedures

If a complaint is received by the CWCOG that relates to FHWA programs and activities the following steps will be taken. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

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 Title VI Coordinator at Titlevi-ADA@cwcog.org or 360-577-3041.

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 CWCOG's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence and be signed by the complainant. The CWCOG will not officially act upon or respond to complaints received verbally. Written complaints will be received by mail or email.

   Attn: Title VI Coordinator
   Cowlitz-Wahkiakum Council of Governments

PO Box 128
Kelso, WA 98626
Email TitleVI-ADA@cwcog.org

All Complaints must contain the following information:

- The complainant's contact information, including: 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 person(s) and/or agency/organization alleged to have discriminated.
- A description of the alleged discriminatory actions.
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

2. Upon receipt of a verbal complaint, the CWCOG representative will notify the party or parties of the CWCOG Title VI Plan, direct them to the CWCOG web page for the Plan and Complaint Form, and/or provide the complainant with a hard copy of either as requested. The representative shall notify the Title VI Coordinator and Executive Director as soon as possible of the verbal complaint and action(s) taken to ensure policy compliance. The verbal complaint will be logged as such pending a formal and required written complaint.
3. Upon receipt of a written complaint, the CWCOG then forwards the complaint to WSDOT Office of Equity and Civil Rights for processing by FHWA. WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint. FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply.

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

   Federal Highway Administration
   U.S. Department of Transportation Office of Civil Rights
   8th Floor E81-105
   1200 New Jersey Avenue, SE
   Washington, DC 20590
   CivilRights.FHWA@dot.gov
4. When a complaint is forwarded to the FHWA, the Complainant will be provided the name and contact information of the employee handling the 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.
5. 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.
6. The CWCOG Title VI Coordinator will update the Title VI Complaint Log actions relating to the Title VI complaint throughout any complaint process and, as required, include the

information in the Title VI Annual Accomplishments and Goals Report.

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

Federal Transit Administration (FTA) and Other Federal Agency Procedures

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

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 Title VI Coordinator at TitleVI-ADA@cwcog.org or 360-577-3041.

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 CWCOG's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence and be signed by the complainant. The CWCOG will not officially act upon or respond to complaints received verbally. Written complaints will be received by mail or email.

   Attn: Title VI Coordinator
   Cowlitz-Wahkiakum Council of Governments
   PO Box 128
   Kelso, WA 98626
   Email TitleVI-ADA@cwcog.org

   All Complaints must contain the following information:
   - The complainant's contact information, including: 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 person(s) and/or agency/organization alleged to have discriminated.
   - A description of the alleged discriminatory actions.
   - The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

2. Upon receipt of a verbal complaint, the CWCOG representative will notify the party or parties of the CWCOG Title VI Plan, direct them to the CWCOG web page for the Plan and Complaint Form, and/or provide the complainant with a hard copy of either as requested. The representative shall notify the Coordinator and Executive Director as soon as possible of the verbal complaint and action(s) taken to ensure policy compliance. The verbal complaint will be logged as such pending a formal and required written complaint.

3. Upon receipt of the written complaint, the CWCOG will determine its jurisdiction, acceptability, the need for additional information, and the investigative merit of the complaint. In some situations, such as a conflict-of-interest determination, the CWCOG

may request their cognizant agency, WSDOT Office of Equity and Civil Rights or the appropriate state/federal agency to conduct the investigation. In the event an outside agency handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current Title VI Plan.

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

4. If the complaint is against a sub-recipient, consultant, or contractor under contract with the CWCOG, the appropriate division and/or agency shall be notified of the complaint within 15 days.
5. Once CWCOG decides the 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 CWCOG Title VI records by the Coordinator along with the basis for the allegation.
6. In cases where CWCOG assumes the investigation of the complaint, the CWCOG 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 CWCOG with her/his response to the allegations.
7. Within 60 days of receipt of the complaint, the Coordinator or outside agency investigator will prepare a written investigative report for the CWCOG Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The recommendation shall be reviewed by the CWCOG's legal counsel who may discuss the report and recommendations with the Coordinator and other appropriate staff. The report may be reviewed further and modified as needed, then approved by the CWCOG Executive Director, and made final for its release to the parties. In some cases, an outside party will approve the final report.
9. Once the investigative report becomes final, briefings will be scheduled with each party within 15 calendar 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.
10. A copy of the complaint and the CWCOG's investigative report will be forwarded to WSDOT Office of Equity and Civil Rights or the appropriate oversight agency within 60 calendar days of the receipt of the complaint.
11. The Coordinator will update the Complaint Log actions relating to the Title VI complaint throughout any complaint process and, as required, include the information in the Title VI Annual Accomplishments and Goals Report.

    If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their rights to appeal CWCOG's determination to the cognizant agency, Washington State Department of Transportation, U.S. Department of Transportation, other federal agency providing the

program funding or the U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to the appropriate agency. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

- Washington State Department of Transportation Office of Equity and Civil Rights P.O. Box 47314 310 Maple Park Olympia, WA 98504-7314
- Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave., SE Washington, DC 20590
- United States Department of Justice Civil Rights Division Coordination and Review Section – NWB 950 Pennsylvania Avenue NW Washington, DC 20530

There is no prohibition against a complainant filing a Title VI complaint simultaneously with a Local Public Agency (LPA), WSDOT, and FTA.

Procedures for Other Funding Sources

If a complaint is received relating to any program, service, or activity administered by the CWCOG as well as its sub-recipients, consultants, or contractors that are not funded by FTA or FHWA, the CWCOG will follow the reporting procedures for FTA. For detailed information on FTA procedures, refer to Federal Transit Administration (FTA) and Other Federal Agency Procedures on page 17 of this plan.

Title VI Complaint Log

An annual Title VI Complaint Log is maintained and includes:

- 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.
- Whether all appropriate written forms were filed.

The Complaint Log and documentation are retained in accordance with the Washington Secretary of State Local Government Common Records Retention Schedule and WSDOT's Consolidated Grant Guidebook.

The CWCOG has had zero Title VI complaints, investigations, or lawsuits during the period of May 26, 2016, when the previous Title VI Plan was approved, and the approval of this Title VI Plan.

OFFICE USE ONLY
Date received: _____/_____/_____
Logged by: _____

Cowlitz-Wahkiakum Council of Governments

TITLE VI DISCRIMINATION COMPLAINT FORM

If you believe that you have been discriminated against because of your race, color, or national origin (including limited English proficiency), by agency programs or activities, you may file a formal complaint by completing this form and send by e-mail to TitleVI-ADA@cwcog.org or send by postal mail to PO Box 128, Kelso, WA 98626.

Basis of Alleged Discrimination

A complaint must be filed within 180 calendar days of the date the complainant learned of the alleged discrimination. If your complaint is in regard to either alleged discrimination in the delivery of services or in the treatment of your (or the person(s) name as victim) by associates or programs of the Cowlitz-Wahkiakum Council of Governments, please indicate below what you believe to be the basis of the alleged discrimination.

Victim(s) of alleged discrimination:		
Name:		
Street Address:		
City:	State:	ZIP Code:
Daytime Phone:	E-mail Address:	
Best time of day to contact you about this complaint:		
What was the alleged discrimination based on? Select all applicable:	**Date of Alleged Incident:**	
☐ Race ☐ Color ☐ National Origin ☐ Limited English Proficiency		

CWCOG staff member(s), board member(s), consultant(s) or program(s) responsible for alleged discrimination:			
Name	City, State, Zip Code	Phone Number	Program

Explanation

In the space below, please describe the alleged discrimination. Please explain what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Provide the names of all witnesses, if any, to the alleged discrimination. Please attach any supporting documents to this form.

_____

_____

_____

_____

_____

_____

_____

Additional Information

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 include phone numbers, addresses, and email addresses:				
Name	Street Address	City, State, Zip Code	Phone Number	Email Address

List any other agencies with whom you have filed this same complain:		
Name	City, State, Zip Code	Phone Number

By signing below, I certify that the statements contained on this form are true to the best of my knowledge.

_____ _____

Signature Date

Send this form and all attachments to:

ATTN: Title VI Coordinator
Cowlitz-Wahkiakum Council of Governments
PO Box 128
Kelso, WA 98626

Documents may be sent via the US Postal Service or scanned and emailed to titlevi-ADA@cwcog.org.

CWCOG TITLE VI COMPLAINT PROCEDURES

If you believe that you have been discriminated against because of your race, color, or national origin,
then you have the right to file a formal complaint with Washington State Department of Transportation
within 180 days of the alleged incident.

How to File a Complaint

1. Complete the Title VI Complaint Form, answering every question.
2. Submit the signed complaint to Cowlitz-Wahkiakum Council of Governments, attention Title VI Coordinator
   - By mail to PO Box 128 Kelso, WA 98626, or
   - By email to TitleVI-ADA@cwcog.org

A notice acknowledging receipt will be provided within 10 working days. The complaint will then be forwarded to the federal funding agency through Washington State Department of Transportation-Office of Equity and Civil Rights.

These procedures do not deny you the right to file a formal complaint directly with the federal funding agencies or seek private counsel for complaints alleging discrimination. Federal law prohibits intimidation or retaliation of any kind against you.

For a full description of complaint procedures, please see pages 15-19 of the CWCOG's Title VI Plan. The plan can be viewed online at www.cwcog.org or you may request a hard copy of the plan by calling 360-577-3041.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended and the Civil Rights Restoration Act of 1987, relating to any program, service, or activity administered by the CWCOG as well as its sub-recipients, consultants, and contractors.

PUBLIC INVOLVEMENT:

The activities of the CWCOG are those of a long-range planning agency as prescribed under RCW 36.64.080 and include community development, economic development, transportation planning, and the furtherance of the program.

When these planning activities have elements of public involvement and procurement the following guidelines for ensuring Title VI compliance will be adhered to:

Public Involvement

The CWCOG's Public Participation Plan (PPP) is the official policy for involving the public in any federal, state, and local planning processes they may undertake.

The purpose of a PPP is to provide a documented public involvement method that addresses

opportunities for the public to review and comment at key decision points within the planning process. The CWCOG's PPP is formulated to meet the federal and state law requirements of public participation within the agency's major programs and to also set general standards for special projects undertaken by the CWCOG.

It is the policy of the CWCOG to follow the strictest laws applicable for any given policy. In the case of Public Participation this is the Federal Code of Regulations (CFR 450.210) for the US Department of Transportation. The CFR establishes the following objectives for the public involvement process. The PPP is the local document that establishes a set of consistent and minimum procedures to meet these requirements.

- Maintain a **proactive public involvement** process. CFR450.210(a)
- Establish **early and continuing** public involvement opportunities in developing plans.
- Provide **timely information** about issues and processes to those affected by developing plans, programs, and projects. CFR450.210(a)(1)i
- Provide **reasonable public access to technical and policy information** used in the development of plans. CFR450.210(a)(1)ii
- Provide **adequate public notice** of public involvement activities **to all interested parties,** and time for public review **with reasonable opportunities for comment** at key decision points. CFR450.210(a)(1)iii, CFR450.210(a)(2)
- To the extent practical, ensure **reasonable public access to open public meetings**. CFR450.210(a)(1)iv
- To the extent practical, **use visualization techniques**, including maps, graphics, and computer modeling technologies to describe the proposed plan. CFR450.210(a)(1)v
- To the extent practical, make project **information available electronically** through various formats and means such as the internet and agency webpage. CFR450.210(a)(1)vi
- **Consider and respond** to public input received during the planning process. CFR450.210(a)(1)vii
- **Seek out and consider** the needs of those traditionally underserved by existing systems, including but not limited to low-income and minority households. CFR450.210(a)(1)viii
- Provide periodic reviews to **evaluate and improve** public participation strategies. CFR450.210(a)(1)ix

In addition to addressing federal mandates, the CWCOG will seek to:

- Educate and inform the public about planning, projects, and issues within their communities and the region.
- Encourage participation by the Spanish-speaking community by offering Spanish notifications of upcoming projects and plans.
- Facilitate electronic distribution of project information such as meeting information, minutes, and agendas.

- Continue to update its policies in order to conform to new regulations, utilize changing technology and trends, and maintain effective public participation practices.

The CWCOG Public Participation Plan aligns with the Title VI Plan and outlines the objectives and strategies used when pursuing public involvement within the agency's activities and programs. The full Public Participation Plan is available on the CWCOG website at https://www.cwcog.org/wp-content/uploads/bsk-pdf-manager/2025/05/2025-Public-Participation-Plan-FINAL.pdf.

Activities for including the public shall consist of, but not be limited to:

- Invitations to participate shall be disseminated to a cross-section of the populace from social, economic, and ethnic groups through written program information, web posting and other means as available. Materials will be sent to minority media and ethnic organizations, delivered to key public facing locations with high traffic of the targeted populations for engagement. Public service announcements and legal notices (when required) will be sent to local media outlets when forming citizens' advisory committees, planning boards, and/or requesting public involvement.
- Demographic statistical data shall be obtained at applicable community meetings and public hearings using a voluntary self-reporting form which will include race, color, and national origin. Copies of the completed forms shall be provided to the Title VI Coordinator after each meeting.
- Meetings will be held in buildings accessible to all with consideration given to buildings located along transit routes and withing the vicinity to the community(ies) being specifically impacted by the project. Meetings will also be held when possible and appropriate while public transportation services are available.
- Translation services shall be made available if anticipated or upon request.
- Visual aids will be used, when possible, to facilitate communication.

Procurement

The CWCOG Procurement Policy outlines processes and regulations by which the agency procures services, supplies, and equipment. It also aligns with the Title VI Plan for providing equal opportunity and access to increasing participation by Disadvantaged and Minority Businesses Enterprises (DBE / MBE) when securing consultant and/or contractual services for the agency.

These processes include:

- Designated projects shall include applicable DBE goals and proactively seek to achieve those goals as required.
- Title VI assurance and provision language shall be included in all federally funded consultant contracts. As the Agency's contract manager, the Title VI Coordinator shall conduct a periodic review of documents and language to ensure compliance with current laws and regulations, and review contracts and amendments for compliance.
- The program appropriate Liaison will maintain updated demographic data on the utilization of women and minority-owned consulting firms. As they occur, a copy of the award letter shall be provided to the Coordinator for use in preparing the Annual Title VI Accomplishments and Goals Report.

Cowlitz-Wahkiakum
Council of Governments

Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires the Cowlitz-Wahkiakum Council of Governments (CWCOG) to gather statistical data on participants and beneficiaries of the agency's federal aid highway programs and activities. The Cowlitz-Wahkiakum Council of Governments collects information on race, color, national origin, gender, age, and disability status of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

This information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the CWCOG office. Submitted data will be compiled for inclusion in the CWCOG's yearly Title VI Report to WSDOT. For further information regarding this process, please contact the CWCOG Title VI Coordinator by phone at 360-577-3041 or e-mail at TitleVI@cwcog.org.

Please respond to the following questions:

Project Name:	
Meeting Location:	**Date:**
Name (optional) (please print):	
Disability: ☐ Yes ☐ No ☐ Prefer not to disclose	**Gender:** ☐ Male ☐ Female ☐ Other ☐ Prefer not to disclose

General ethnic identification categories (check as many as apply):

- ☐ American Indian/Alaskan Native American
- ☐ Asian
- ☐ Black or African American
- ☐ Caucasian
- ☐ Hispanic or Latino
- ☐ Native Hawaiian/ Pacific Islander
- ☐ Other_____
- ☐ Prefer not to disclose

Country of Birth:

- ☐ Canada
- ☐ China
- ☐ England
- ☐ Germany
- ☐ Japan
- ☐ Korea
- ☐ Mexico
- ☐ Philippines
- ☐ Somali
- ☐ USA
- ☐ Other
- ☐ Prefer not to disclose

What is your Marital Status:

- ☐ Single
- ☐ Married
- ☐ Divorced
- ☐ Widowed
- ☐ In a domestic partnership
- ☐ Prefer not to disclose

Language Spoken at Home (check all that apply):

- ☐ English Only
- ☐ Chinese
- ☐ Tagalog
- ☐ Somali
- ☐ Spanish
- ☐ German
- ☐ Russian
- ☐ Prefer not to disclose
- ☐ Korean
- ☐ Arabic
- ☐ Vietnamese
- ☐ Other _____

Age:

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65-79
- ☐ 80+
- ☐ Prefer not to disclose

Thank you for your cooperation!

LANGUAGE ACCESS PLAN (LAP):

The purpose of the Language Access Plan (LAP) is to establish policy and provide guidance in developing and implementing reasonable efforts to eliminate or reduce "Limited English Proficiency" (LEP) as a barrier to accessing Cowlitz-Wahkiakum Council of Governments programs, activities, and communications.

The CWCOG receive federal financial assistance for its programs and is required under Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d) to take reasonable steps to provide meaningful access to its programs and activities regardless of race, color, or national origin. Discrimination based on national origin can include the failure to provide appropriate language access. The CWCOG will translate materials used in its planning and programs to Spanish and other languages as required. The translated materials and resources are intended to provide meaningful access to the agency's programs and services.

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. Southwest Washington is home to individuals from different cultures and backgrounds, of which a number are limited English proficient. If at any time, the LAP is found to contradict or be out of compliance with current federal or state guidelines, the federal and/or state guidelines shall take precedence until such a time that a revision to this policy can be implemented.

For more information on the policies and procedures of the CWCOG regarding accommodating Limited English Proficient persons refer to the Language Access Plan. The following four factor analysis is an excerpt from the LAP.

The Four Factor Analysis is a tool for providing "meaningful access" to include services for oral interpretation and written translation of vital documents.

Factor 1: Demographics – Number and proportion of LEP persons and languages spoken in the service area

The CWCOG does not currently collect usage statistics that would quantify the frequency of contact with members of the LEP population.

According to the Safe Harbor Threshold, LEP language groups that constitute 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The CWCOG operates as the lead organization for the Southwest Washington Regional Transportation Planning Organization (SWRTPO) that covers five counties: Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum. For the purposes of this effort, the collective data of the five-county boundary of the SWRTPO is used for the determination. For programs, plans, and activities that do not apply region wide, applicable county data or appropriate small area data will be referenced for project purposes and determination of need. Data derived from the American Community Survey 2024 (2024: ACS 5-Year Estimate, Table C16001) identified the Spanish speaking language group as meeting the 1,000 or more-population threshold. Data will periodically be assessed for additional language groups that may meet the criteria.

Language	Total Number	Percentage (Rounded to nearest hundredth)
Spanish	7,597	2.60%
French, Haitian, or Cajun	65	0.02%
German/Germanic Languages	286	0.01%
Russian, Polish, Slavic Language	164	0.06%
Other Indo-European	220	0.08%
Korean	163	0.06%
Chinese, Mandarin, Cantonese	247	0.09%
Vietnamese	207	0.07%
Tagalog, Filipino	341	0.12%
Other Asian and Pacific Island Language	539	0.19%
Arabic	62	0.02%
Other and Unspecified	116	0.04%

Source: American Community Survey 2024 5-Year Estimate

Factor 2: The frequency with which people with LEP come in contact with CWCOG programs, activities, or services.

The CWCOG does not track its interactions with LEP individuals, but takes measures to ensure that the CWCOG programs, activities, and communications are accessible as appropriate.

The CWCOG fully complies with all applicable federal and state public notice requirements of all their programs and applies the adopted *Public Participation Plan* when appropriate.

Factor 3: The importance to people with LEP regarding CWCOG's programs, activities, and services.

The nature of the CWCOG's planning programs and activities can have a wide range of impacts on the communities of the region. At any given time, the policies and plans developed through these programs can affect the region and attract varying degrees of interest from the population. Each project and/or program is assessed as to the importance or impact to both the population at large and LEP persons.

Factor 4: The resources available to CWCOG and the overall cost to provide assistance to people with LEP.

CWCOG is committed to providing meaningful language access services to the region's Spanish speaking population and, when practical, in assisting speakers of other languages with limited English proficiency, though interpretive services within the region are limited. CWCOG continually seeks creative, low-cost measures to assist LEP individuals.

The CWCOG will utilize several tools for notifying identified LEP populations when appropriate and

applicable to the CWCOG's programs and activities. The Agency will work with community-based organizations to inform LEP persons of upcoming meetings and that language assistance is available particularly if a program or activity affects an identified LEP neighborhood within the project's scope.

NOTICE OF TITLE VI RIGHTS:

The CWCOG includes its notice of Title VI rights on the homepage of its website in English and in Spanish. The CWCOG also has Title VI rack cards available at the front desk. This language is also included in all marketing material, legal notices, media notices, and agendas distributed by the CWCOG.

CWCOG Notice of Title VI Rights

The CWCOG operates in accordance with all applicable federal and state laws, including Title VI of the Civil Rights Act of 1964, without regard to race, color, national origin, religion, sex, sexual orientation, marital status, age, or disability.

Those persons with limited English Proficiency may request language assistance through oral, visual, and/or written translation at no cost to the individual.

For assistance or questions regarding the CWCOG's Title VI or Limited English Proficiency policies or to file a complaint, please contact the Agency's Title VI Coordinator at (360) 577-3041.

El CWCOG opera de acuerdo con todas las leyes federales y estatales aplicables, incluido el Título VI de la Ley de Derechos Civiles de 1964, sin distinción de raza, color, origen nacional, religión, sexo, orientación sexual, estado civil, edad o discapacidad.

Aquellas personas con dominio limitado del inglés pueden solicitar asistencia lingüística a través de traducción oral, visual y / o escrita sin costo para el individuo.

Para asistencia o preguntas sobre el Título VI de CWCOG o las políticas de Dominio Limitado del Inglés o para presentar una queja, comuníquese con el Coordinador del Título VI de la Agencia al (360) 577-3041.

Title VI Requirements

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 an agency receives federal financial assistance.

In addition to requirements set out in the USDOT Title VI regulations of 49 CFR Part 21 recipients and subrecipients must comply with Executive Orders addressing Limited English Proficiency (LEP) and Environmental Justice (EJ).

As a recipient of Federal Transit Administration (FTA) funds, the Cowlitz-Wahkiakum Council of Governments (CWCOG) will refer to and follow the FTA's Title VI Circular C4702.1B).

The CWCOG must monitor Title VI compliance of its (sub)recipients as well as implement procedures for assessing compliance by subrecipients.

[Spanish Version will be incorporated once translated]

STANDARD TITLE VI ASSURANCES:

The Standard Title VI Assurances and the required appendices from the Assurances are included below as part of this plan in compliance with the WSDOT Local Agency Guidelines Manual.

United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The Cowlitz-Wahkiakum Council of Governments (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, ''f or 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 Cowlitz-Wahkiakum Council of Governments, 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, Cowlitz-Wahkiakum Council of Governments 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 the 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.

Cowlitz-Wahkiakum Council of Governments 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.

Cowlitz-Wahkiakum Council of Governments

By _____
William A. Fashing, Executive Director

DATED: May 09, 2024

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 Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments, its successors and assigns.

The Cowlitz-Wahkiakum Council of Governments, 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 Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments 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, Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments 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 Cowlitz-Wahkiakum Council of Governments and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such 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 Cowlitz-Wahkiakum Council of Governments 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, Cowlitz-Wahkiakum Council of Governments 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, Cowlitz-Wahkiakum Council of Governments will there upon revert to and vest in and become the absolute property of Cowlitz-Wahkiakum Council of Governments and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such 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 Ill 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).