



TITLE VI CIVIL RIGHTS

POLICY & PROCEDURES

Revised and Approved March 2003

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Section 1: POLICY STATEMENT

Skagit Transit assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Skagit Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that Skagit Transit distributes federal assistance funds to another governmental entity or contractor, Skagit Transit will include Title VI language in all written agreements and will monitor for compliance.

Skagit Transit assures that:

1. No person on the basis of race, color or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. Skagit Transit will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulations, 49 CFR Part 21.9.
3. Skagit Transit will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation service and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The Executive Director for Skagit Transit shall be the Title VI Director and will have the ultimate authority and responsibility for the agency's adherence to the Skagit Transit Title VI Policy. The Title VI Director shall delegate duties to achieve the policy goals as necessary.

The Manager of Finance and Administration shall be delegated as the Title VI Manager. In that capacity, this manager is responsible for managing and implementing all aspects of the Title VI Program. A Title VI Coordinator shall be delegated to perform the administrative, day-to-day functions of the Title VI Program.

Detailed duties functions of all Title VI authorities are outlined in Section 10, Program Administration.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and CFR 21)

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

Federal Circular UMTA C 4702.1 details the requirements necessary for compliance and administration of a Title VI program.

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to d000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

Dale O'Brien
Executive Director

Date

Section 2: OVERVIEW OF TITLE VI COMPLIANCE

a. General Reporting Requirements (see also Section 3)

Requirements and guidelines for general reporting are contained in Circular 4702.1 – Chapter III sections 2 and 4. (Note: Program Specific Reporting requirements in Section 3 only apply to areas with a population over 200,000)

Requirements Include:

- Report must be received and approved by the FTA prior to the approval of any grant application or, at minimum; it must be updated once every three years.
- Signed Civil Rights and standard DOT Title VI Assurances.
- List of any active lawsuits or complaints which allege discrimination.
- Description of all pending and current federal financial assistance.
- Summary of all civil rights compliance review activities conducted by the FTA.
- Special requirements for federally funded construction projects.
- Information of changes in service features which effect minority communities and transit users.
- Description of methods used to inform minority communities of service changes.
- Breakdown of minority representation in Skagit Transit and/or PTBA decision making bodies.
- Summary of items available in multilingual formats.

b. Title VI Program Monitoring (see also Section 4)

Applicable to all recipients of federal funds.

Requirements Include:

- Incorporation into the TIP of corrective actions taken in response to deficiencies found by FTA audit.
- Monitor and document the level of transit service provided to minority communities within the PTBA and compare against overall system averages.
- Monitor and document the quality of transit service provided to minority communities within the PTBA to determine if quality of service is consistent among different user groups and the degree to which the service is responsive to minority needs.

c. Public Information Requirements (see also Section 5)

Skagit Transit is required to ensure that the public and any interested party is informed of our Title VI obligations. Skagit Transit must display posters and inform the public in languages other than English if necessary.

d. Complaints of Discrimination Procedure (see also Section 6)

Requirements and guidelines for operating a complaints procedure is contained in Circular C 4702.1 – chapter VII.

Procedure will:

- Inform the public as to Skagit Transit’s Title VI obligations.
- Inform the public how to enter a complaint of discrimination.
- Implement and maintain a procedure for receiving, administering, investigating and resolving complaints.

e. Record Keeping Requirements (see also Section 7)

Records must be maintained in all areas of the Title VI program. Documents must be available for compliance review audits.

f. Compliance Reviews/Audits (see also Section 8)

- Pre-Award Audits: Will focus on general reporting requirements and any previously found compliance violations and their remedies.
- Post-Award Audits: Will be conducted at least once every three years. This audit will be a review of the entire Title VI program compliance.
- Discretionary Audits: Will occur to follow-up on discrepancies found on previous audits and assess action taken to remedy or as determined by the authority.

g. Remedial Actions and Enforcement Procedures (see also Section 9)

Remedial actions are necessary when it is found (by an FTA audit or internally through complaint or other procedures) that Skagit Transit is noncompliant with Title VI provisions. Failure to take action may result in the suspension or termination of Skagit Transit’s existing federal financial assistance or refusal by FTA to grant additional assistance.

Section 3: GENERAL REPORTING REQUIREMENTS

(C-4702.1, Chapter II and III)

Prior to submittal of a grant application or at least once every three years, Skagit Transit must submit the following to FTA:

a. Active lawsuits or complaints

A list of any active lawsuits or complaints naming Skagit Transit which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include: the date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint, including whether the parties to a lawsuit have entered into a consent decree.

b. Description of all pending applications for financial assistance, and all financial assistance currently provided by other Federal agencies.

c. A summary of all civil rights compliance review activities conducted in the past three years.

The summary should include: the purpose or reason for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and, a report on the status and/or disposition of such findings and recommendations.

d. Civil Rights and DOT Title VI Assurance

Signed by Executive Director and attested by Skagit Transit's attorney each year. Current Assurance appears in Attachment A.

e. Federally Funded Construction Projects

Fixed-facility impact analysis to assess the effects of the construction on minority communities. (This information may be contained in a previous environmental impact statement and referenced by page number). The analysis should include:

- 1) A discussion of potential impact on minority communities and minority-owned businesses during and after construction;
- 2) A discussion of all potential negative environmental impacts such as noise, air, or water pollution;
- 3) A detailed list of minority-owned businesses and households that will be affected by the construction;
- 4) A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.; and
- 5) A description of the relocation program and/or other measures adopted by the applicant that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction.

f. Changes in Service Features

Description of the type of service changes (e.g., route extensions, deletions, etc., including any changes as a result of contracting out transit service) proposed by Skagit Transit over the next three years and a statement of the effect of these changes on minority communities and minority transit users. In particular, Skagit Transit must describe significant service changes relating to hours or days of operation, headways or fares and provide the schedule reflecting such changes.

g. Changes to Title VI Policy

If Skagit Transit makes changes to the Title VI Policy, these must be submitted to the FTA during the next reporting year. It may be necessary to include a letter stating the reasons for changes.

h. Public Information Dissemination

Provide a description of the methods used to inform minority communities of service changes e.g., public notices, public hearings, other formal or informal public discussions, presentations, meetings, etc. relating to the transit service changes.

i. Minority Representation on Decision making Bodies

Provide a racial breakdown of transit-related nonelected boards, advisory councils or committees, which are integral parts of the transit agency's planning process, implementation of programs and other related activities. Provide a description of the efforts made to encourage minorities to participate on such boards, councils, or committees.

j. Multilingual Facilities

Provide a description of the extent to which bilingual persons and/or materials are or will be used to assist non English speaking persons desiring use of the transit system. For example, in service areas with a significant Hispanic population, the transit agency should discuss the steps taken to communicate with the community. Efforts should include steps such as the utilization of schedules, signs etc., written in Spanish, as well as providing Spanish-speaking employees. Likewise, the publication of public hearing notices in languages other than English or the use of interpreters should be noted.

In cases where Skagit Transit posts signs warning the general public about dangerous situations (e.g., stand behind this line, bus traffic etc.) information must be in other languages when a significant number of the population is non English speaking.

Section 4: TITLE VI PROGRAM MONITORING

(C 4702.1, Chapter IV)

The requirement to establish internal monitoring processes and methodologies is applicable to all recipients of Federal assistance. Skagit Transit must monitor it's service once per year, or when major service changes are proposed, using the procedures outlined in this section.

a. Civil Rights Assurance

The Assurances that are signed by Skagit Transit's Executive Officer and attested by Skagit Transit's attorney, assure that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI. (See Attachment A). Program monitoring is conducted to ensure that Skagit Transit complies with this assurance.

b. Incorporation of Corrective Actions into TIP

If previous Title VI deficiencies have been found by Skagit Transit or through an audit review, the corrective action to remedy these deficiencies must be incorporated into Skagit Transit's Transportation Improvement Plan (TIP) to assure compliance with Title VI.

c. Monitoring Procedures

Skagit Transit must develop and implement procedures to monitor the level and quality of transit service provided to the minority community against overall system averages to determine compliance with Title VI. These comparisons will measure the actual realization of established service policies and standards.

The following methodologies will be a part of any procedures:

Level of Service Methodology. Minority communities must be identified by census tracts or traffic analysis zones. Service provided to these communities will be measured in terms of the service policies and standards adopted by Skagit Transit (i.e., vehicle load, vehicle assignment, headways, transit amenities, transit access, etc.)

- a. An appropriate sample size will be chosen. At minimum, the sample will include each tract or zone that has a minority population (minority census tract) that is equal to or above the total percentage of all minorities within the service area. In addition, at least 10 percent of all the census tracts or traffic analysis zones in the service area should be monitored.

- b. The transit service provided in the selected sample area will be inventoried.
- c. The performance of each route operating within the selected area will be assessed for each of Skagit Transit's service standards and policies.
- d. The transit service provided to minority areas will be compared to Skagit Transit's service policies and standards. The results will be reviewed and action will be taken in all cases in which the service to minority areas does not meet the stated service policy or standards of Skagit Transit.
- e. The average performance for each route in Skagit Transit's system shall be compared to Skagit Transit's service policies and standards. The results will be reviewed and action will be taken on observed differences.

Quality of Service Methodology. This methodology will determine whether the quality of service is consistent among different user groups and the degree to which Skagit Transit's public transit service is responsive to minority needs.

- a. An appropriate number of minority and a corresponding number of non-minority census tracts or traffic analysis zones will be identified. The number of census tracts or analysis zones selected should be based on the population within the service area. For service areas such as Skagit Transit's, with a population of 200,000 or below, at least three minority and three non-minority census tracts or traffic analysis zones must be selected.
- b. A survey of the transit riders in the selected areas will be conducted to determine travel patterns and opinions on the transit service provided. Census data may also be used to model transit travel patterns.
- c. Results of the survey will be summarized and will include a summary of both the travel patterns of transit users in the selected areas and a summary of the comments and opinions regarding the transit service obtained from the survey.
- d. Using travel time and fare cost and/or other indices, information must be monitored for the top three most traveled destinations in the selected areas. The resulting information shall contain: 1) Average peak hour travel time to destination; 2) Number of transfers/bus stops before reaching destination; 3) Total cost of trip to destination; and 4) Cost per mile of trip to destination.
- e. Using all data gathered, compare the quality of service in minority census tracts or traffic analysis zones with non-minority census tracts or traffic analysis zones. Take action on any disparities.

Section 5: PUBLIC INFORMATION REQUIREMENTS

(C 4702.1, Chapter VII)

Skagit Transit will disseminate Title VI Program information to Skagit Transit employees, contractors, subcontractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

- a. Annual reports sent to FTA, Skagit Transit's Title VI Policy and any other related information will be available to the public upon request.
- b. Posters shall be displayed which include at least the following:
 - That Skagit Transit operates programs that are subject to the nondiscrimination requirements under Title VI;
 - A summary of the requirements under Title VI (see Attachment B);
 - An explanation that Title VI information is available from Skagit Transit;
 - A brief explanation regarding the procedures for filing a complaint.
 - References to other publications containing Title VI information.
- c. More detailed information regarding complaint procedures and Title VI civil rights will be included in handbooks, pamphlets, and other materials ordinarily distributed to the public by Skagit Transit.
- d. Multilingual Requirements. When a significant number or portion of the population eligible to be served by Skagit Transit needs service information in a language other than English to participate in Federally funded programs, Skagit Transit shall take every reasonable step to provide information in appropriate languages. In cases where Skagit Transit posts signs warning the general public about dangerous situations information must be in other languages when a significant number of the population is non-English speaking.

Section 6: COMPLAINTS OF DISCRIMINATION PROCEDURE

(C 4702.1, Chapter VIII)

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Skagit Transit as to consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The 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 obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Complaint Procedure

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint with Skagit Transit. A formal complaint must be filed within one hundred and eighty (180) days of the alleged occurrence.
2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.

3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. Skagit Transit will provide the complainant or his/her representative and any contractor (respondent) with a written acknowledgement that Skagit Transit has received the complaint within five (5) working days of receipt.
5. A copy of the complaint will be forwarded to Skagit Transit's legal counsel for review.
6. The Executive Director will assign an Investigator to the complaint (this may be the Title VI Coordinator or other designated staff).
7. The Investigator will determine if the complaint has investigative merit:
 - a. It was received within 180 days of the alleged occurrence.
 - b. It does not appear to be frivolous or trivial.
 - c. It involves Skagit Transit or Skagit Transit contractors and not another entity.
 - d. A complaint against a contractor involves a Skagit Transit Federally funded contract.
8. The complainant and contractor, or other party to the complaint, will be notified of the status of the complaint within ten (10) days of receipt of the complaint, by registered mail that:
 - a. The complaint will not be investigated and the reasons why the complaint does not have investigative merit.
 - b. The complaint will be investigated and a request for additional information needed to assist the Investigator.
9. The complainant or contractor must submit the requested information within sixty (60) working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
10. The internal Investigator and/or contractor must, within fifteen (15) working days, supply the Executive Director with status report of their investigation and/or resolution of the complaint.
11. Within sixty (60) working days of the receipt of the complaint, the Investigator will prepare a written report for the Executive Director that shall include:
 - a. A narrative description of the incident, including persons or entities involved.
 - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.
 - c. Citations of relevant federal, State and local laws, Skagit Transit policy, etc.
 - d. Description of the investigation, including list of the persons contacted and summary of the interviews conducted.
 - e. A statement of the Investigator's finding and recommendations for disposition.
12. The investigative report and findings of the complaint will be sent to legal counsel for review.

13. The Executive Director shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within 10 days from Executive Director's receipt of the investigator's report. Examples of disposition are as follows:
 - a. Complainant is found to have been discriminated against. Skagit Transit or Contractor is therefore in noncompliance with Title VI regulations. Reasons for the determination will be listed. Remedial actions that Skagit Transit or the Contractor must take will be listed (see also Section 10).
 - b. Complaint is found to be without merit. Reasons why will be listed.
14. Notice of the Executive Director's determination will be mailed to the complainant and contractor. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal. Example of a notice of appeal follows:
 - a. Skagit Transit will only reconsider this determination, if new facts, not previously considered, come to light.
 - b. If the complainant is dissatisfied with the determination and/or resolution set forth by the same complaint may be submitted to the Urban Mass Transportation Administration (UTMA) for investigation. For more information, please contact the Federal Transit Administration, Office of Civil Rights, 915 Second Avenue, Suite 3142 – Seattle, WA 98174-1002 / (206) 220-7954.
15. A copy of the complaint and Skagit Transit's investigation report/letter of finding and Final Remedial Action Plan will be issued to the FTA within ninety (90) days of the receipt of the complaint.
16. After receiving the FTA's comments, out briefings may be scheduled with all relevant parties to the complaint.
17. A summary of the complaint and its resolution must be included in the annual report to the FTA.

Section 7: RECORD KEEPING REQUIREMENTS

The Title VI manager shall ensure that all records relating to Skagit Transit's compliance to Title VI are maintained for a minimum of seven (7) years.

Records must be available for compliance review audits.

Copies of the following material will be kept available by the Title VI Coordinator for dissemination to the public upon demand:

- Skagit Transit's Title VI policy.
- Annual reports to FTA.
- Audit report findings and recommendations.
- Summaries of actions taken by Skagit Transit to remedy audit findings.
- Complaints received and a summary of their disposition.
- Annual report to Executive Director regarding Title VI compliance.
- Final report of level and quality of service to minority areas as compared to non-minority areas.

Section 8: COMPLIANCE REVIEWS / AUDITS

(C 4702.1, Chapter V)

Pre-Award Audits

Also called Application Reviews, are conducted in response to Skagit Transit's submission of a grant application. The purpose of this review is to determine if the benefits for a proposed grant funded project are/will be distributed in a nondiscriminatory manner. The review will consider the following:

- a. Information supplied as General Reporting Requirements (Section 3).
- b. Any findings and recommendations as a result of previous compliance reviews and the corrective action taken as a result of those reviews.
- c. Other information as deemed necessary including; information Skagit Transit has supplied in support of the application and Skagit Transit's own Title VI assessment (annual report to Executive Director).

Post-Award Audits

As part of on-going monitoring, FTA will conduct these reviews at least once every three (3) years. The review may be on-site, or a desk audit where requested information is mailed to FTA to be reviewed. The Title VI review is independent of the Triennial Review, but an attempt will be made to conduct both these reviews at the same time. The review will consider the following:

- a. Results of the pre-award audit, including the information required by the General Reporting Requirements.
- b. The overall efforts made by Skagit Transit to ensure compliance under Title VI, including any compliance reports prepared by Skagit Transit.
- c. If audit is on-site, an inspection of all materials pertaining to the implementation of the Title VI program and verification that all service standards are being implemented consistent with Title VI.
- d. Other information as deemed necessary to make a determination that Skagit Transit is in compliance.

Discretionary Follow-up audit reviews

FTA will conduct follow-up reviews as deemed necessary and appropriate to assure that federally assisted transit services and benefits are distributed to minorities in a fair and equitable manner. Two such reviews would include, but are not limited to:

- 1) A general review to determine whether Skagit Transit is honoring its commitment represented by the certification (made in the grant application) with respect to its responsibilities under Title VI.
- 2) A compliance review conducted in response to a specific complaint alleging discrimination. Other factors that may initiate such reviews include, but are not limited to:
 - a. The level of grant assistance being provided
 - b. The nature of projects being undertaken by Skagit Transit and their impact on the minority community.
 - c. The level and quality of transit services and benefits provided by Skagit Transit.
 - d. The size of the minority population within the given service areas.

- e. Specific problems involving service delivery to the minority community.
- f. The findings of pre and post award compliance reviews.

Section 9: REMEDIAL ACTIONS AND ENFORCEMENT PROCEDURES

(C 4702.1 – Chapter VI)

Remedial actions are necessary when it is found that Skagit Transit is in noncompliance with Title VI. Note: When a Skagit Transit federally funded Contractor found to be in noncompliance with Title VI, this means that Skagit Transit itself is not in compliance. Non-compliance may be found by FTA audit, internal Skagit Transit complaint procedure, or any other means.

Remedial Action Plan

When it is determined that Skagit Transit is in noncompliance or probable noncompliance with Title VI, Skagit Transit must develop a voluntary plan of action to correct deficiencies and ensure continued compliance with Title VI. In all cases, it is desired that noncompliance issues be found and resolved internally, with a final report sent to FTA.

The following procedures apply:

- a. FTA will send Skagit Transit a Letter of Finding (or letter of finding will be developed internally through the complaint process or other reporting means and sent from the Title VI Manager to the Executive Director) identifying the deficiencies observed. The letter will request that Skagit Transit submit to FTA a Remedial Action Plan detailing the voluntary actions to be taken to correct the deficiencies cited in the Letter of Finding.
- b. Within thirty (30) days of receipt of the Letter of Finding (by Skagit Transit from FTA or by the Executive Director from the Title VI Manager), a Remedial Action Plan must be submitted.

The Plan shall:

- 1) List all corrective actions to be implemented.
 - 2) Describe how the corrective actions are to be implemented.
 - 3) Include a written assurance that Skagit Transit will implement the accepted corrective action(s) and has the capability to implement the accepted corrective actions(s) in the manner discussed in the plan.
- c. If Skagit Transit disagrees with portions of the Letter of Finding, the Remedial Action Plan must also include:
 - 1) A statement as to which findings or recommendations Skagit Transit requests to be reconsidered.
 - 2) Justification for the request to reconsider, including any evidence or information supporting such a request.
 - 3) A written assurance that on the basis of the requested reconsideration, Skagit Transit is or otherwise will come into compliance with Title VI.

Final Remedial Action Plan

- Within thirty (30) days from FTA or the Executive Director receipt of the Remedial Action Plan and/or any request for reconsideration, a decision will be made to accept or reject the plan. The FTA may conduct a site visit to substantiate information or statements contained in the plan (the Executive Director may also conduct an internal investigation).
- FTA or the Executive Director will issue a decision including findings and recommendations as part of the Final Remedial Action Plan.
- FTA will send the Final Plan to Skagit Transit for review and consent. Consent infers that Skagit Transit agrees to initiate the action(s) specified in the plan Skagit Transit will have fifteen (15) days from receipt of the Final Plan to agree or disagree with the Plan.
- If Skagit Transit agrees with the Final Plan, the FTA will amend its Title VI findings to probable compliance or full compliance and a letter stating the amended compliance determination will be sent to Skagit Transit.
- If Skagit Transit does not agree with the FTA's Final Plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. In this case, Skagit Transit will be held in noncompliance and a meeting will be scheduled with Skagit Transit and the FTA within thirty (30) days to resolve the disagreements.
- If Skagit Transit continues to remain in noncompliance, the FTA will follow the enforcement procedures outlined in C-4702.1 Chapter VI-3, to include suspension, termination or refusal to grant or to continue federal financial assistance.

Contractor Compliance Enforcement

Skagit Transit will follow a similar procedure as described above to bring noncompliant contractors into compliance.

- Clauses (including termination for noncompliance with Title VI) and notices will be included in all bid packages and signed certifications will be required of contractors in all Skagit Transit contracts awarded with federal assistance.
- When it is found through FTA audit or other Skagit Transit internal procedure that a contractor is performing work under the contract that is in noncompliance with Title VI, the contractor shall be given a written Letter of Finding which details the noncompliance issues.
- Within thirty (30) days of the contractor's receipt of Letter of Finding, the contractor (in consult with Skagit Transit) shall develop a Remedial Action Plan to correct the deficiencies.
- Skagit Transit will agree or disagree with the contractors Remedial Action Plan and within thirty (30) days from receipt shall send the contractor a Final Remedial Action Plan.
- The contractor must, within fifteen (15) days from receipt of the Final Plan, either agree with the Plan and submit to Skagit Transit a written confirmation that the actions contained in the Plan shall be carried out or it will disagree with the plan and provide written reasons why.

- Within thirty (30) days of Skagit Transit’s receipt of the contractor’s disagreement with the Final Plan, a mutually agreeable Final Plan must be in place or Skagit Transit must seek to terminate the contractor’s contract according to the noncompliance clauses set forth in the contract.
- When a contractor fails or refuses to voluntarily comply with requirements within the time frame allotted, and the FTA has not already determined the contractor to be in noncompliance, Skagit Transit will submit to the FTA two copies of the case file and a recommendation that the contractor be found in noncompliance.
- A finding of noncompliance and a refusal to voluntarily take steps necessary to correct the deficiencies, will be grounds for termination of the contractor’s contract.

Skagit Transit will seek the cooperation of the contractors in correcting deficiencies found. Skagit Transit will also provide the technical assistance and guidance needed to aid the contractors to comply voluntarily. A follow-up review will be conducted within one hundred and eighty (180) days of the initial review to ensure that the contractor has complied with the Title VI Program requirements in correcting deficiencies previously identified.

Section 10: PROGRAM ADMINISTRATION

I. Title VI Director Duties:

- a. The Executive Director shall also be the Title VI Director.
- b. The Title VI Director shall have the final authority and responsibility for compliance with Title VI provisions.
- c. The Title VI Director may delegate to the Manager of Finance and Administration the responsibility for coordinating the overall administration of the Title VI Program.

II. Title VI Manager Duties:

- a. The Manager of Finance and Administration shall also be the Title VI Manager.
- b. Appoint and supervise a Title VI Coordinator who is charged with the responsibility of implementing, monitoring, and ensuring Skagit Transit’s compliance with Title VI regulations in the day-to-day administration and annual reporting requirements of Skagit Transit’s Title VI Program.
- c. Ensure that all department managers are aware of Title VI requirements.
- d. Develop long range plans with Skagit Transit’s MPO that are consistent with Title VI requirements.
- e. Incorporate into TIP any corrective actions taken in response to deficiencies found by an FTA audit.
- f. Disseminate to the MPO Title VI compliance issues that must be taken into consideration during the planning process.
- g. Ensure that the MPO planning process is conducted with equal access public participation.
- h. Perform a minimum of two annual reviews of the MPO’s and/or RTPO’s work and transportation programs to ensure Title VI adherence.

- i. Assist the Title VI Coordinator in gathering and organizing the Planning Office section of the Annual Title VI update report.
- j. Advise the Skagit Transit Board of Directors and Citizen's Advisory Committee (CAC) on Title VI compliance issues.
- k. Ensure equal participation on Skagit Transit's CAC. This will involve evaluating the CAC membership selection criteria and make-up of the committee in regards to race, gender and position within the committee.
- l. Ensure that CAC and other public meetings are periodically held in predominantly minority communities.
- m. Visit CAC meetings as well as other public meetings to assess and verify the level of participation of Title VI protected group members.

III. Title VI Coordinator Duties:

- a. Gather information necessary for general reporting requirements and report to the FTA.
- b. Process, record and disseminate Title VI complaints received by Skagit Transit.
- c. Monitor and ensure public information is available for Skagit Transit's Title VI Program.
- d. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- e. Develop and disseminate public information posters and other item as necessary.
- f. Collect and maintain statistical data (race, color, sex, and national origin) of populations in PTBA.
- g. Collect and maintain statistical data on levels of transit service in minority population communities versus average levels of service.
- h. Conduct surveys and other events to determine perceived quality of transit service in minority communities. Analyze to determine if quality of service is consistent among different user groups and the degree to which the service is responsive to minority needs.
- i. Determine areas of concern in transit service operations and assist Operations Department with remedies.
- j. Conduct annual reviews and update statistical information.
- k. Conduct Title VI reviews of consultant contractors, suppliers, and other recipients of federal assistance.
- l. Review program directives and, where applicable, include Title VI and related requirements.
- m. Conduct training programs on Title VI and related statutes for Skagit Transit employees.
- n. Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
- o. Identify and propose ways to eliminate discrimination when found to exist.
- p. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed ninety (90) days.

III. Organizational Chart:

A chart outlining the relationship, of responsible persons and groups involved in Skagit Transit's Title VI compliance appears in Attachment C.

Section 11: PROGRAM ESSENTIALS

Program Review

A review of the major components of the Title VI Program will be reviewed annually. This review will be in addition to day-to-day monitoring of the Program.

a. Internal Review will include:

- Remedial action taken on any compliance audit findings and there results.
- Frequency and effectiveness of training.
- Frequency and effectiveness of the display of Title VI public notices, posters, bid documents etc.
- Frequency of multilingual public notices & customer service.
- Frequency of complaints and effectiveness of complaint procedure.
- Results from Program Monitoring of level and quality of transit service in minority community as compared to an overall average.
- Changes to service in minority areas; effect.
- Changes to any other benefit to minorities.

b. External Review will include:

- Minority participation in local/regional planning processes (MPO).
- Minority participation in Citizens Committee.

c. Contractor Review will include:

- Continuation of original compliance to Title VI provisions.
- Operational guidelines will be reviewed to assure effectiveness in their compliance of Title VI provisions.
- Frequency of complaints.
- Changes in work flow or operations which may require additional attention or new provisions.
- Frequency of and effectiveness of training.
- Utilization of DBE subcontractors.

Remedial Action (see also Section 9)

It is the goal of Skagit Transit to eliminate discrimination. The annual program review is implemented to identify and eliminate discrimination when found to exist. Skagit Transit will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When irregularities occur in the internal administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues. A written remedial action will be implemented within a period not to exceed ninety (90) days.

Program Monitoring

As outlined in Section 4, Skagit Transit will analyze the level and quality of transit service provided to the minority community against overall system averages to determine compliance with Title VI, with special attention paid to new service areas or new minority communities.

Annual Report

An annual report to the Executive Director will be produced following the annual program review. This report will include the following:

- Summary of Title VI annual accomplishments.
- Summary of Training frequency and effectiveness.
- Summary of the results from the program monitoring.
- Summary of the results from the program review.
- Analysis of Skagit Transit's current compliance with Title VI.
- Letters of finding or report detailing any found areas of noncompliance.
- Recommendations for policy changes or action.

General Reporting to FTA

As outlined in Section 3, Skagit Transit will be required to submit annual reports. The information obtained from the program monitoring, program review and annual report will be used to accomplish this requirement. Any changes to the policy approved by the Executive Director will be included in the report.

Section 12: PLANNING AND RESEARCH

Each area of emphasis will maintain data to be incorporated in the Title VI Annual Update. The Areas are:

1) Skagit Transit Operations Planning

Route restructuring, service expansion, service reduction and other information will be gathered and analyzed as to their potential impact on minority communities.

2) Local and Regional Planning

a. Transportation Planning

Skagit Transit has the responsibility to develop long- and short-range plans to provide efficient transportation services to the citizens of the Skagit County PTBA. Skagit Transit shall work in conjunction with the local Metropolitan Planning Organizations (MPO) to provide coordinated transportation services.

b. Authorities

The Metropolitan Planning Organization Procedures Manual
23 CFR 450

RCW 47.06 Statewide Transportation Planning

RCW 47.80 Regional Transportation Planning Organization (RTPO)

c. Planning Process

A comprehensive transportation planning process is used which incorporates input from the public in coordination with the MPO. The process further entails the monitoring and collection of varied data pertaining to transportation issues. Skagit Transit will coordinate with the MPO urban transportation planning, public involvement, and provides technical support when needed.

d. Title VI Responsibilities

- Ensure that all aspects of the planning process operation complies with Title VI.
- Ensure that participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in predominantly minority communities.
- Review the Planning work program, MPO Procedure Manual and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on committees by requesting the MPO to provide information pertaining to their selection criteria and review Skagit Transit's procedures for selecting CAC members and to furnish information on membership make-up (race, gender, and position within the organization) for evaluation.
- Visit planning meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority communities.
- Perform a minimum of two annual reviews of the MPO's and/or RTPO's
- Work and transportation programs to ensure Title VI adherence.

3) Research

a. Research

Skagit Transit is responsible for the development of research projects which include areas such as transit, transportation and environmental studies, and socio-economic analysis.

b. Authorities

Research, Development and Technology Transfer Program Manual 23 CFR 511

c. Title VI Responsibilities

- Ensure that all research contracts include the requirements of Appendix 1 of the Title VI Assurances.
- Ensure adherence with DBE goals in the granting of research contracts and nondiscrimination in the selection of grant recipients.
- Develop procedures to promote the participation of minorities, women and individuals with disabilities in all aspects of a research project.
- Verify that Title VI requirements are incorporated in all contracts and agreements.
- Gather reporting data for the Annual Title VI Update Report.

- Review internal operational procedures, guidelines, directives and policies to ensure compliance with Title VI requirements.
- Monitor accomplishments and promptly correct program area deficiencies.

4) Construction, Maintenance & Environmental Concerns

Special General Reporting Requirements are necessary when Federal funds assist construction contracts (see Section 3-e).

Section 13: EDUCATION AND TRAINING

Training will be conducted at least annually. A summary of training conducted, issues detected and processes employed will be included in the annual report to the Executive Director.

Internal Staff: Training will at minimum be given to all Skagit Transit managers, project administrators and supervisors. Training will include:

- a. Requirements of Title VI.
- b. Skagit Transit's obligations under Title VI.
- c. Required data that must be gathered, analyzed and maintained.
- d. Annual Summary of Title VI review to Executive Director.
- e. Findings and recommendations from FTA compliance reviews.
- f. Summary of Complaint procedures.

Contractors: Training is available to contractors upon request. Contractors found to be in non-compliance may be required to attend such training as part of the remedy of the situation. Training will include:

- a. Standard Title VI notices and information in bid packages and resulting contracts.
- b. Comprehensive review of Title VI provisions.
- c. Contractor's obligations under Title VI and its application to the work necessary under the contract.
- d. Contractor's obligations when subcontracting work.
- e. Required data that must be gathered and maintained.
- f. Procedures to become Title VI complaint.
- g. Processes for identifying Title VI issues and resolution of complaints.

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Title VI Assurances

FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

THE SKAGIT TRANSIT SYSTEM HEREBY CERTIFIES THAT; as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9, will be compiled, maintained, and submitted in a timely manner.
3. It will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

Dale O'Brien, Executive Director
(Name and title of authorized officer)

Date

(Signature of authorized officer)

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DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

The SKAGIT TRANSIT SYSTEM (hereinafter referred to as “Skagit Transit”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary , Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, no person, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Skagit Transit receives Federal financial assistance from the Department of Transportation, including (name of Appropriate Administration) and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) of the Regulations.

More specifically and without limiting the above general assurance, the Skagit Transit hereby gives the following specific assurances with respect to it (name of appropriate program):

1. That Skagit Transit agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That Skagit Transit shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all federal financial assistance and, in adapted form in all proposals for negotiated agreements:

“Skagit Transit, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will afforded full 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. That Skagit Transit shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That Skagit Transit shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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5. That where Skagit Transit receives Federal financial assistance to construct a facility, or part of a facility the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where Skagit Transit receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That Skagit Transit shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Skagit Transit with other parties: (a) for the subsequent transfer of real property acquired or improved under (name of appropriate program): and (b) for the construction or use of or access to space on, over, or under real property acquired or improved under (name of appropriate program).
8. That this assurance obligates Skagit Transit 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 Skagit Transit 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 Skagit Transit retains ownership or possession of the property.
9. That Skagit Transit shall 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 grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all the requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. That Skagit Transit agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to Skagit Transit by the Department of Transportation under the (Name of Appropriate Program) and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest and other participants in the (Name of Appropriate Program). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of Skagit Transit.

By: _____
Dale O'Brien, Executive Director

Dated: _____

Attachments: Appendices A, B, C

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Appendix A

To Title VI Assurance

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: Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: Contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurement for 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 shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: Contractor shall provide all information reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, or other sources of information, and its facilities as may be determined by the (Recipient) or the (Name of Appropriate Administration) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information this contractor shall so certify to Skagit Transit, or the (Name of Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Contractor’s noncompliance with nondiscrimination provisions of this Contract, Skagit Transit shall impose contract sanctions as it or the (Name of Appropriate Administration) may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the Contractor under the Contract until the Contractor complies; and/or
 - (b) Cancellation, termination, or suspension of the Contract, in whole or in part.

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Appendix A

To Title VI Assurance

- (6) Incorporation of Provisions: Contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. Contractor shall take such action with respect to any subcontract or procurement as Skagit Transit or the (Name of Appropriate Administration) may direct as a means of enforcing such provisions including sanctions for noncompliance provided; however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Skagit Transit to enter into such litigations to protect the interests of Skagit Transit, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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Appendix B

To Title VI Assurance

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that will accept title to the lands and maintain the project constructed thereon, in accordance with the Federal Transit Administration, the Regulations for the Administration of Section 5307 federal financial assistance and the policies and procedures prescribed by the Federal Transit Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally –Assisted Programs of the Department of Transportation (herein referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S. C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Name of Recipient) all the right, title and interest of the 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 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 as extended or for another purpose involving the provision of similar services or benefits and shall be binding on its successors and assigns.

Skagit Transit, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, 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 or wholly or in part on, over or under such lands hereby conveyer [,] [and] * (2) that shall use the lands and interest in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary.

Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this 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 effectuate the purposes of Title VI of the Civil Rights Act of 1964.*

ATTACHMENT A

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Appendix C

To Title VI Assurance

The following clauses shall be included in all deeds, licenses, lease, permits, or similar instruments entered into by pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, 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 in event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose for involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

Also include in license, leases, permits, etc. the following if necessary:

*That in the event of breach of any of the above nondiscrimination covenant, Skagit Transit shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and reposes said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

Also include in deeds the following if necessary:

*That in the event of breach of any of the above nondiscrimination covenants, Skagit Transit shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Skagit Transit and its assigns.

**Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.*

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Appendix C

To Title VI Assurance

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by pursuant to the provisions of Assurance 7(b).

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

Also include in licenses, leases, permits, etc. the following if necessary:

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

Also include in deeds the following if necessary:

*That in the event of breach of any of the above nondiscrimination covenants, Skagit Transit shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Skagit Transit and its assigns.

**Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.*

ATTACHMENT B

TITLE VI NOTICES TO THE PUBLIC

General Notice:

Skagit Transit hereby gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related statutes and regulations in all programs and activities.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Skagit Transit receives federal financial assistance.

Any person who believes that they have, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a complaint with Skagit Transit. A complaint must be filed within 180 days after the date of the alleged discrimination. Title VI Discrimination Complaint Forms may be obtained at no cost to the complainant by calling 360-757-8801.

Sample phrases to appear for public information:

Posted on buses, transfer stations, schedules etc.:

Any person who is, or seeks to be a patron of any public vehicle shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.

No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished by Skagit Transit on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color or national origin.

Required notices to contractors and in all federally funded contracts:

Clauses to appear in bid/solicitations: See Attachment A, Page 2.

Clauses to appear in contracts: See Attachment A, Page 4, Appendix A.

Clauses to appear in contracts for the transfer or acquisition of real property: See Attachment A, Page 6, Appendix B.

Clauses to appear in contracts for leases, deeds, permits etc: See Attachment A, Page 7, Appendix C.

ATTACHMENT C

Organizational Chart Effective March 2003

