

Grays Harbor Transportation Authority

Title VI Plan

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Grays Harbor Transportation Authority

Title VI Plan

"It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person in the United States shall, on the ground or race, color, or national origin is excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub recipients, and contractors whether those programs and activities are federally funded or not."

Over the past decade, a renewed emphasis on Title VI issues and environmental justice has become a more integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. This renewed commitment to Title VI has, and continues to be, reflected in the Grays Harbor Transportation Authority's (GHTA) work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at GHTA to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

Introduction

GHTA is a County Transportation Authority authorized under Chapter 36.57 RCW located in the southwestern portion of Washington State. The GHTA began providing bus transportation services in June of 1975.

Governing Board

The GHTA Board of Directors consists of three Grays Harbor County Commissioners, the Mayors of Aberdeen and Hoquiam and one mayor chosen from the cities of Westport, Montesano, Elma, Cosmopolis, Ocean Shores, McCleary or Oakville.

Policy Statement and Authorities

Title VI Policy Statement

The Grays Harbor Transportation Authority (GHTA) 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 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GHTA further assures that 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 GHTA distributes federal aid funds to another governmental entity, GHTA will include Title VI language in all written agreements and will monitor for compliance. GHTA's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other GHTA responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Ken Mehin, Manager

Date

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 (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR 50.3.

GHTA's Manager is responsible for ensuring compliance with the agency's Title VI program. The Title VI Coordinator, under supervision of the Manager is responsible for coordinating the overall administration of the Title VI program, plan, and Assurances.

Grays Harbor Transportation Authority's (GHTA) work program has been identified as applicable to Title VI regulations. The agency's Title VI-related responsibilities fall into two main categories – “General responsibilities” and “Program Area responsibilities” that is specific to the Title VI Program Area.

General Title VI Program Responsibilities

Following are general Title VI responsibilities of the agency applicable to any/all Title VI Program Areas. The Title VI Coordinator is responsible for ensuring these elements of the plan are appropriately implemented and maintained.

1. Data collection

Statistical data on race, color, national origin, income level, language spoken, and gender of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained as described in the “Program Area Responsibilities” section of this document. The data gathering process will be reviewed periodically to ensure sufficiency of the data in meeting the requirements of the Title VI program.

2. Annual Report and Update

An Annual Report and Update is to be submitted by the end of October each year, to WSDOT's Office of Equal Opportunity, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The document is to include:

- A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes.
- An update on Title VI-related goals and objectives for the upcoming year.

3. Annual review of Title VI program

Each year, in preparing for the Annual Report and Update, the Title VI Coordinator will review the agency's Title VI program to assure compliance with Title VI. In addition, review agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on GHTA's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the “Program Area Responsibilities” section of this document, and in other languages when needed.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint with GHTA if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination

in their receipt of benefits/services or prohibited by non-discrimination requirements. GHTA will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for implementing, monitoring, and reporting on GHTA's compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by GHTA.
- Periodically monitor implementation and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Develop and submit the Annual Title VI Report and Update to WSDOT, FHWA, and FTA by the end of October each year. Review the Annual Title VI Report and Update to determine the effectiveness of the Title VI program and related efforts.
- If a sub recipient is found to not be in compliance with Title VI, work with the sub recipient to resolve the deficiency status and write a remedial action if necessary.
- Review important Title VI related issues with the Executive Board, as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

General Communications and Public Involvement

Communications and Public Involvement applies to and affects the GHTA work program as a whole, particularly agency efforts and responsibilities related to the Local and Regional Transportation Planning Program Area. The goal of GHTA's general Communications and Public Involvement policy is to ensure early and continuous public notification about, and participation in, major actions and decisions by GHTA. In seeking public comment and review, GHTA makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. GHTA utilizes a broad range of public information and participation opportunities, process for written comments, public meetings after effective notice, settings for open discussion, information services, and consideration of and response to public comments.

Principles of GHTA's Communications & Public Involvement Program

- Equal access is an essential part of the public involvement process.
- No major public policy decision is reached or large project implemented without significantly affecting someone.
- Professionals do not have a monopoly on good solutions.
- Even if a project or policy decision is sensible and beneficial, it must be arrived at properly to be acceptable.
- People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective, and considers all viewpoints.
- If staff doesn't provide all relevant information necessary for an informed decision, the public will rely on, and trust, others.
- Interacting with an official representative of an organization or group is no substitute for interacting directly with that organization or group.
- Effective public notification and participation takes time and effort, and can be expensive, yet is essential to sound decision-making.

Elements of GHTA's Communications & Public Involvement Program

- **Web site** – GHTA maintains a website, www.ghtransit.com, which is updated as new information becomes available. The site includes information on schedules, vanpool, bus policies, fares, special announcements, and other information.
- **Publications** – Each year, GHTA issues several publications, reports, and maps as part of the agency's work program, and responds to and processes a number of data requests. The information is used for planning throughout the system.
- **Press releases** – Press releases are sent to local and regional media outlets including daily newspapers and radio stations.
- **Meetings open to the public** – All GHTA Executive Board meetings are open to the public. Comments from the public either verbal or written are on the agenda during the beginning of the meeting. Anyone from the public wanting to address the Board with comments or concerns may do so under the Correspondence/Public Comment section of the meeting's agenda. Meeting dates and times are the second Tuesday of every month at 4:00 p.m.
- **Opportunities for public comment** – GHTA frequently provide opportunities for public comment, and continue to work to find new and innovative ways to solicit public comments and involve all segments of the population in Grays Harbor County. Comments are accepted by phone, fax, e-mail, U.S. mail, and in person at any of the meetings. See the section below entitled "Opportunities for Public Comment" for details.
- **GHTA Staff is accessible** – Staff is accessible in person, on the phone, by mail, by fax, and by e-mail. Contact information is provided on the agency's website.
- **Events** – Events such as workshops, open houses, and forums are held as needed.
 - **Service changes** – Service changes will be texted to the patrons who register for this service free of charge. Tami

Opportunities for Public Comments

GHTA offers four different ways for people to comment on activities, programs, and decisions made at the agency. As follows:

- **Comments are accepted at any time** – Comments are accepted via phone, fax, e-mail, U.S. mail, and in person at any time. During business hours, a person with concern or comments may contact staff by phone, in person, U. S. mail, or e-mail to address any issues as well as during the public comment at the Executive Board Meeting. Comment cards are also available at the Aberdeen and Hoquiam Stations and all buses. Upon completing the form, it may be deposited into a drop box at the stations or U. S. mail. The comment drop boxes at Aberdeen and Hoquiam stations are checked on regular basis. Terri
- **Citizen comments are requested at agency meetings** – All GHTA board meetings are open to the public. GHTA regularly scheduled Executive Board meeting are held once each month, with other public meetings as needed. The meeting dates are the second Tuesday of each month at 4:00 p.m... Special public meetings are posted well in advance on the agency's website, radio announcements, and daily newspaper. Time for citizen comments may be requested on meeting agendas, and the meeting chair may request citizen comments if members of the public are present at a meeting. No advance notice is required to speak during any of the meetings as a "Public Comment" item appears on agendas without request. Public comments and responses made during these times are kept on record in the official meeting minutes and verbatim tapes. GHTA maintains mailing lists; anyone can request to be added to a board mailing list. GHTA maintains Attendance Forms at agency meetings open to the public to collect statistical data on meeting attendees to meet federal guidance designed to help track representation of all segments of the population.
- **Formal public comment periods for major activities** – Formal public comment and review periods are used to solicit comments on major planning activities, for example, the Surface Transportation Improvement Program (STIP), updates to the Transit Development Plan, changes affecting the public i.e., routes, timetables, and fares. Generally, information is reviewed and released for a formal public comment period after an advisory or Executive Board meeting. The comment period is posted on the website, legal notices, radio, and are distributed throughout the region via buses. Comments can be made in person at any GHTA meeting. Any comments or concerns received by the Authority before an Executive Board meeting will be reviewed by staff to decide whether or not to recommend action to the Executive Board.
- **Public Hearings** – GHTA may hold public hearings during major updates to the Authority's Transit Development Plan, Surface Transportation Improvement Plan (STIP), or before any action is taken to change the systems fares or routes.

Strategies for Engaging Title VI Protected Groups

The GHTA realizes the need for providing information in languages other than English. The GHTA Bus Book provides all information in English and Spanish. GHTA also evaluates the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its communication strategy. The GHTA will keep a list of local interpreters in the event that a need for translation services has been identified or requested.

Strategies for Engaging Individuals with Limited English Proficiency

GHTA will determine the extent of the need for translation services of its materials. According to Census 2020 figures for Grays Harbor County, approximately 10.3% of Grays Harbor County residents are Hispanic. Data is not available for those individuals as being able to speak English “well” or “very well,” “not well” or “not at all”. According to the DOJ guidance, GHTA should consider providing materials in a different language if over 5% of the affected population speaks that language at home. Since the census report shows that Grays Harbor County has exceeded the 5% Hispanic population mark future plans include studies for LEP individuals through local social agencies, surveying drivers, station personnel, and dispatchers to determine the level of contact GHTA employees are experiencing with LEP’s. Through these efforts, GHTA will determine if changes to its publications should include publication to Limited English Proficiency citizens of Grays Harbor. GHTA has a Spanish speaking dispatcher to accommodate Hispanic individuals needing scheduling information. Policy signs posted on buses are in both English and Spanish. The individual tribal population do not account for 5% of the county population.

GHTA will maintain a list of all staff members who speak a second language. Presently, one person on the GHTA staff speaks Spanish with one driver speaking fluent Spanish and a few other drivers speaking very limited Spanish as well as other languages.

Included at the end of this document is a survey conducted by Migration Policy Institute that shows LEP’S by County in the State of Washington. This survey shows that Grays Harbor does not meet or exceed the 5% range for LEP’S

Program Area Responsibilities

Transportation Planning

GHTA is responsible for developing long- and short-range transportation plans to provide efficient transportation services to the Grays Harbor County region. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. GHTA coordinates with WSDOT, cities, towns, and Grays Harbor County; seeks public involvement when needed.

Questions

For questions on the GHTA’s Title VI Plan or procedures, please contact Ken Mehin, at (360) 532-2770 ext. 101 - kmehin@ghtransit.com. Or Jean Braaten at 360-532-2770 ext 103 or jbraaten@ghtransit.com

Nondiscrimination Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by GHTA, as well as to sub recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

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. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with GHTA's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity (ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for GHTA to be able to process it.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to GHTA for processing.
 - f. See Appendix A for Complaint Form.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of GHTA's sub recipients of federal funds, GHTA will assume jurisdiction and will investigate and adjudicate the case. Complaints against GHTA will be referred to the Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity (OEO), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub recipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. The complainant(s) must accept reasonable resolution based on GHTA's administrative authority (reasonability to be determined by GHTA).
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once GHTA or WSDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within fourteen (14) calendar days. The complaint will receive a case number and will then be logged in to GHTA's or

WSDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.

6. In cases where GHTA assumes the investigation of the complaint, GHTA will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of GHTA's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where GHTA assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, GHTA's Investigator* will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

*This can be GHTA's Title VI Coordinator.

8. The investigative report and its findings will be sent to GHTA's Legal Counsel for review. The Council will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
9. Any comments or recommendations from GHTA's Legal Counsel will be reviewed by GHTA's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
10. GHTA's final investigative report and a copy of the complaint will be forwarded to WSDOT's OEO within 60 calendar days of the acceptance of the complaint. WSDOT's OEO will share the report with FHWA and FTA, Washington Division Offices, as part of its *Annual Title VI Update and Accomplishment Report*.
11. GHTA will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to GHTA based on GHTA's investigative report.
12. Once WSDOT's OEO issues its final decision, GHTA will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.
13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by GHTA. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

Policy for Engaging Individuals with Limited English Proficiency (LEP)

The U.S. Department of Justice has provided some guidance on engaging LEP individuals. The guidance offers a “four-factor analysis” process, which the Title VI Team has used to determine the number and proportion of LEP individuals in the region and how to cost effectively provide information services to these individuals.

The “four-factor analysis” process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the importance of the program to people’s lives, and the resources available to provide translation services. According to U.S. Census figures, a couple languages are spoken within the Grays Harbor County region. There are not a significant number of people who speak Spanish at home in this region. According to the 2020 Census, the top two non-English languages spoken at home in the region are Spanish and American Indian/Alaska Native. Data is not available at this time to determine the degree of English these two categories of LEP individuals can comprehend.

The GHATA does not provide any neighborhood specific programs or projects, therefore we reviewed language characteristics for the region as a whole; the 5% safe harbor will be used. The frequency and extent with which LEP individuals come into contact with the GHATA is estimated to be quite low. In the spring of 2013 GHATA conducted a rider survey to help determine who was using our service and where they were traveling. Out of 826 riders who participated in the survey only 16 of those or 1.94% were LEP’S.

While essential to the long-term livability and economic vitality of the region, long-range transportation and community planning may not be as important of a service to LEP individuals as health care, employment, or financial assistance. However, any opportunity to increase public comment on long-range decision-making is a worthwhile investment.

The GHATA encourages public comment on its policies, programs, and funding cycles, and therefore would like to increase opportunities for public comment, particularly by historically underserved populations including LEP individuals.

The GHATA has limited resources to pursue translation services; therefore, an ideal solution would be to find a low cost point of access for LEP individuals. This gives LEP individuals a way to find out about the GHATA’s activities and provides a method for the GHATA to determine the demand for translation services.

ACTION: The GHATA will establish the following policy for providing information to individuals with Limited English Proficiency (LEP):

“The GHATA is always seeking ways to increase opportunities for public comment on its activities, including policies, programs, and funding cycles. The GHATA is particularly interested in increasing opportunities for historically underserved populations to provide input regarding its planning activities. We anticipate that there may be a need for Spanish translation services.

GHATA staff has assembled a list of contacts that will be available for assistance if there is a demand for translation services.

Title VI Complaints during this report period

The GHATA received a complaint for age discrimination on September 27, 2017 from an employee who had resigned. After investigation, the EEOC determined that it was unable to conclude that any violations of the statutes had been committed.

APPENDIX A - URBAN MASS TRANSPORTATION ADMINISTRATION CIVIL RIGHTS ASSURANCE

The GRAYS HARBOR TRANSPORTATION AUTHORITY HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation 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. The GRAYS HARBOR TRANSPORTATION AUTHORITY will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The GRAYS HARBOR TRANSPORTATION AUTHORITY 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 Urban Mass Transportation 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.

Ken Mehin, Manager

Name and Title of Authorized Officer

July 6, 2022

Date

Signature of Authorized Officer

APPENDIX B - DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

The GRAYS HARBOR TRANSPORTATION AUTHORITY (hereinafter referred to as the “Recipient”) 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 1984, 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 1984 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including Federal Transit 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 Recipient hereby gives the following specific assurances with respect to its SECTION 5309 GRANT:

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(a) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all SECTION 5309 GRANT and, in adapted form in all proposals for negotiated agreements:

The Grays Harbor Transportation Authority, in accordance with Title VI of the Civil Rights Act of 1984, 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 Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race. Color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, and any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient 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 enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under SECTION 5309 GRANT; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under SECTION 5309 GRANT.
8. That this assurance obligated 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 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, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial 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 the Recipient by the Department of Transportation under the SECTION 5309 GRANT and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and other participants in the SECTION 5309 GRANT. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated: June 14, 2022

Ken Mehin, Manager
Name of Recipient

Signature of Authorized Official

Attachments:
Appendices A - F

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: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (Hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed 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 Procurements of Materials and Equipment: In all Solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under 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: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Grays Harbor Transportation Authority or the Federal Transit 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 the contractor shall so certify to the Grays Harbor Transportation Authority, or the Federal Transit 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, the Grays Harbor Transportation Authority shall impose contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or

- (b) Cancellation, termination, or suspension of the contract in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Grays Harbor Transportation Authority or the Federal Transit 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 the Grays Harbor Transportation Authority to enter into such litigation to protect the interest of the Grays Harbor Transportation Authority, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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 the GRAYS HARBOR TRANSPORTATION AUTHORITY will accept title to the lands and maintain the project constructed thereon, in accordance with the Regulations for the Administration of SECTION 5309 GRANT and the policies and procedures prescribed by of the Department of Transportation and , also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U. S. C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Grays Harbor Transportation Authority 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 interest therein unto Grays Harbor Transportation Authority and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contains 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 shall be binding on the Grays Harbor Transportation Authority, its successors and assigns.

The Grays Harbor Transportation Authority, in consideration of the conveyance of said lands and interest 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 wholly or in part on, over or under such lands hereby conveyed (,) (and)* (2) that the Grays Harbor Transportation Authority shall use the lands and interest in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office of the Secretary, Part 21, Nondiscrimination 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 lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

* 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.

APPENDIX C TO TITLE VI ASSURANCE

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Grays Harbor Transportation Authority 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 the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, 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.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, Grays Harbor Transportation Authority 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.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Grays Harbor Transportation Authority 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 Grays Harbor Transportation Authority 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.

APPENDIX C

DIRECTORY

DEPARTMENT OF TRANSPORTATION AND URBAN MASS TRANSPORTATION ADMINISTRATION OFFICES

Headquarters

Departmental Director of Civil Rights	Director, Office of Civil Rights
Office of the Secretary	Urban Mass Transportation Administration
Department of Transportation	400 Seventh Street, SW., Room 7412
400 Seventh Street, SW, Room 10215	Washington, DC 20590
Washington, DC 20590	

AREA CIVIL RIGHTS OFFICES

EASTERN AREA (Regions 1 and 2)

Urban Mass Transportation Administration	Urban Mass Transportation Administration
Transportation Systems Center, Suite 920	26 Federal Plaza, Suite 14-110
Kendall Square, 55 Broadway	New York, New York 10278
Cambridge, Massachusetts 02142	

SOUTHEASTERN AREA (Regions 3 and 4)

Urban Mass Transportation Administration
400 Seventh Street, SW, Room 7412
Washington, DC 20590

CENTRAL/MID-WESTERN AREA (Regions 5, 6, and 7)

Urban Mass Transportation Administration	Urban Mass Transportation Administration
300 South Wacker Drive, Suite 1703	6301 Rockhill Road, Suite 100
Chicago, Illinois 60606	Kansas City, Missouri 64131

WESTERN AREA (Regions 8, 9, and 10)

Urban Mass Transportation Administration	Urban Mass Transportation Administration
Federal Office Building	3142 Federal Building
1961 Stout Street, Room 520	915 Second Avenue
Denver, Colorado 80294	Seattle, Washington 98174

APPENDIX D

APPLICATION OF TITLE VI REQUIREMENTS TO FEDERAL FINANCIAL ASSISTANCE OF THE URBAN MASS TRANSPORTATION ADMINISTRATION

Examples: Nondiscrimination on UMTA Projects

The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions of this part to projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations.

1. Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, or other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.
2. No person who is, or seeks to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.
3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project 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.
4. The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

APPENDIX E - TITLE VI COMPLAINT FORM



Title VI **Complaint Form**

1. Name (Complainant)	2. Phone	3. Home address (Street #, PO Box, City, State, Zip)
4. If applicable, name of person(s) who allegedly discriminated against you:		
5. Location and position of person(s) if known:		6. Date of alleged incident

7. Discrimination because of:

Race/color
National origin
Creed/religion
Disability

Sex (includes sexual harassment)
Sexual orientation
Marital status
Age

Vietnam Era Veteran
Disabled Veteran
Retaliation

8. Explain as briefly as clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

**** PLEASE COMPLETE PAGE 2 OF THIS FORM ****

ADDITIONAL INFORMATION

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, fellow employees, supervisors, others):

Name:

Job Title:

Address:

Phone Number:

Signature:

Date:

APPENDIX F: 2017 LEP STATISTICS FOR GRAYS HARBOR

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Subject	Grays Harbor County, Washington											
	Total		Percent		Percent of specified language speakers							
					Speak English only or speak English "very well"		Percent speak English only or speak English "very well"		Speak English less than "very well"		Percent speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	67,405	+/-149	(X)	(X)	64,426	+/-441	95.6%	+/-0.6	2,979	+/-413	4.4%	+/-0.6
Speak only English	61,362	+/-533	91.0%	+/-0.8	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	6,043	+/-539	9.0%	+/-0.8	3,064	+/-427	50.7%	+/-5.3	2,979	+/-413	49.3%	+/-5.3
SPEAK A LANGUAGE OTHER THAN ENGLISH												
Spanish	4,411	+/-428	6.5%	+/-0.6	1,960	+/-389	44.4%	+/-7.3	2,451	+/-377	55.6%	+/-7.3
5 to 17 years old	1,354	+/-206	2.0%	+/-0.3	839	+/-216	62.0%	+/-14.2	515	+/-215	38.0%	+/-14.2
18 to 64 years old	2,924	+/-308	4.3%	+/-0.5	1,037	+/-246	35.5%	+/-6.6	1,887	+/-237	64.5%	+/-6.6
65 years old and over	133	+/-63	0.2%	+/-0.1	84	+/-52	63.2%	+/-26.2	49	+/-43	36.8%	+/-26.2
Other Indo-European languages	604	+/-187	0.9%	+/-0.3	484	+/-170	80.1%	+/-11.3	120	+/-73	19.9%	+/-11.3
5 to 17 years old	41	+/-36	0.1%	+/-0.1	25	+/-25	61.0%	+/-44.5	16	+/-24	39.0%	+/-44.5
18 to 64 years old	357	+/-125	0.5%	+/-0.2	291	+/-116	81.5%	+/-13.9	66	+/-51	18.5%	+/-13.9
65 years old and over	206	+/-86	0.3%	+/-0.1	168	+/-75	81.6%	+/-18.2	38	+/-44	18.4%	+/-18.2
Asian and Pacific Island languages	783	+/-223	1.2%	+/-0.3	473	+/-176	60.4%	+/-13.4	310	+/-131	39.6%	+/-13.4
5 to 17 years old	88	+/-73	0.1%	+/-0.1	69	+/-64	78.4%	+/-33.7	19	+/-33	21.6%	+/-33.7
18 to 64 years old	507	+/-159	0.8%	+/-0.2	344	+/-136	67.9%	+/-17.0	163	+/-99	32.1%	+/-17.0
65 years old and over	188	+/-79	0.3%	+/-0.1	60	+/-39	31.9%	+/-30.0	128	+/-96	68.1%	+/-30.0
Other languages	245	+/-108	0.4%	+/-0.2	147	+/-88	60.0%	+/-24.5	98	+/-74	40.0%	+/-24.5
5 to 17 years old	14	+/-28	0.0%	+/-0.1	14	+/-28	100.0%	+/-79.3	0	+/-28	0.0%	+/-79.3
18 to 64 years old	141	+/-77	0.2%	+/-0.1	89	+/-60	63.1%	+/-25.6	52	+/-47	36.9%	+/-25.6
65 years old and over	90	+/-59	0.1%	+/-0.1	44	+/-41	48.9%	+/-45.9	46	+/-55	51.1%	+/-45.9
CITIZENS 18 YEARS AND OVER												
All citizens 18 years old and over	54,694	+/-303	(X)	(X)	53,532	+/-328	97.9%	+/-0.5	1,162	+/-273	2.1%	+/-0.5
Speak only English	51,589	+/-406	94.3%	+/-0.7	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	3,105	+/-410	5.7%	+/-0.7	1,943	+/-295	62.6%	+/-6.5	1,162	+/-273	37.4%	+/-6.5
Spanish	1,777	+/-308	3.2%	+/-0.6	1,000	+/-233	56.3%	+/-9.6	777	+/-225	43.7%	+/-9.6
Other languages	1,328	+/-260	2.4%	+/-0.5	943	+/-204	71.0%	+/-8.2	385	+/-140	29.0%	+/-8.2