

**Whatcom Council of Governments**  
 Title VI Annual Report  
 Reporting Period: July 1, 2021 – June 30, 2022  
 Submitted August 2, 2022

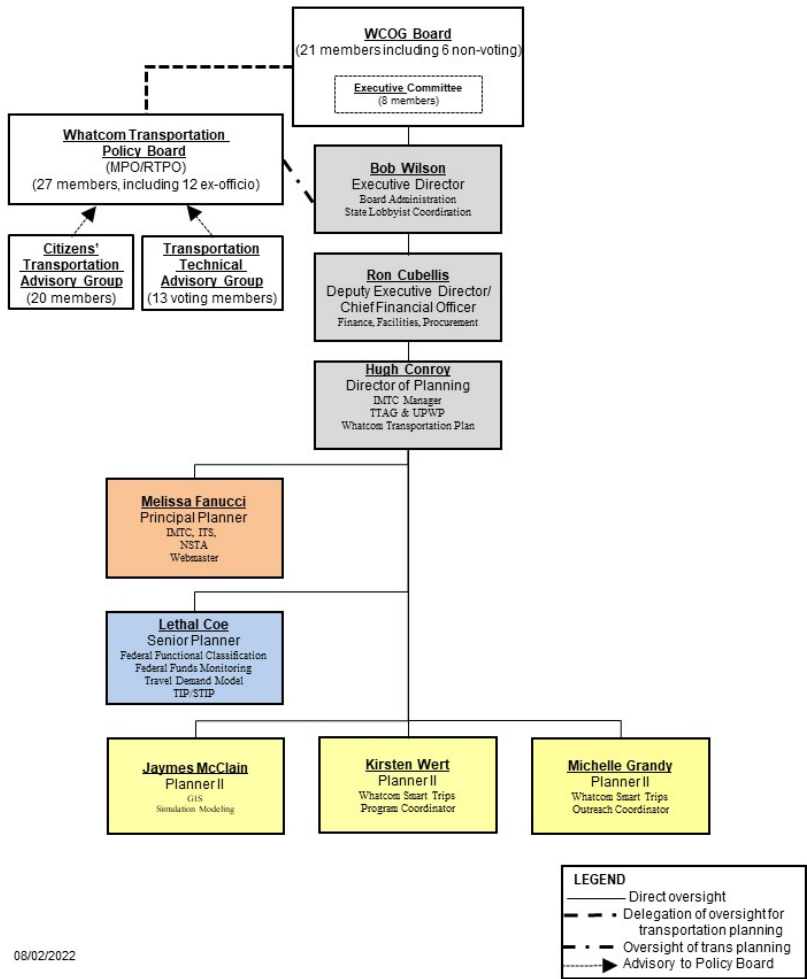
**1. Title VI Plan**

The Whatcom Council of Governments' *Combined Title VI & Limited English Proficiency Plan* was adopted on December 11, 2019. The plan shall be in effect until December 10, 2022.

**2. Organization, Staffing, Structure**

Robert H. Wilson, AICP, Executive Director, serves as WCOG's Title VI Coordinator. He is assisted by Deputy Executive Director Ron Cubellis, AICP, and Director of Planning Hugh Conroy.

**Whatcom Council of Governments  
 2022 Organizational Structure**



08/02/2022

### 3. Complaints

No complaints were received during the reporting period.

### 4. Planning: Accomplishment Report and Update

#### A. Monitoring and Review Process:

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- Describe the planning activities performed by the Regional Council.

WCOG has a standing committee and two advisory groups that are central to the regional transportation planning process: the Whatcom Transportation Policy Board (“the Policy Board”), the Transportation Technical Advisory Group (TTAG), and the Citizens’ Transportation Advisory Group (CTAG), respectively.

The Policy Board is the federally-recognized “metropolitan planning organization” for the Bellingham Urbanized Area, and the state-designated “regional transportation planning organization” for Whatcom County. Its fifteen voting members are drawn from Whatcom County, each of the seven cities, the Lummi Nation, the Nooksack Tribe, the Port of Bellingham, WSDOT and the Whatcom Transportation Authority (WTA). Additionally, the Policy Board has twelve ex-officio members, including all six members of the region’s State Legislative delegation (from the 40<sup>th</sup> and 42<sup>nd</sup> districts). The Policy Board’s primary purpose is to achieve intergovernmental coordination in developing policies and programs of mutual benefit to its member jurisdictions concerning transportation and to establish funding priorities, which are facilitated through its adoption of the regional long-range transportation plan and the regional Transportation Improvement Program. It usually meets six times a year.

TTAG is composed of transportation staff members from the Policy Board’s member jurisdictions who meet monthly to provide technical input to WCOG staff on regional transportation planning issues, to convey the concerns and recommendations of the jurisdictions or agencies they represent, and to make recommendations on proposed actions of the Policy Board.

CTAG comprises private citizens, i.e., residents of the region who are not employed by any of WCOG’s member entities, to facilitate ongoing community input into the regional transportation planning process as a means of informing the decision-making of the Policy Board. CTAG also serves as WTA’s Community Advisory Panel. It meets about four times a year.

- Describe the actions taken to promote Title VI compliance regarding planning activities, including monitoring and review processes, and their outcomes or status.

On October 13, 2021, WCOG’s Council Board adopted the *Public Participation Plan*, which included as an appendix the entire *Combined Title VI and Limited English Plan*. The draft *Public Participation Plan* was released for a 45-day public review and comment period from June 26 through September 8, 2021; no comments were received.

In April 2022, the Executive Director reviewed WCOG’s *Combined Title VI Plan and Limited English Proficiency Plan* – which was adopted in December 2019 – to determine if any amendments to the plan were required to ensure its continued effectiveness; he determined that none were needed.

Beginning in the spring of 2022, the Executive Director began the process of updating the *Combined Title VI and Limited English Plan*, which will be considered for adoption by WCOG's Council Board at its regularly-scheduled meeting in December 2022. Included in that process is an examination of the LEP four-factor analysis.

In June 2022, the Policy Board adopted the long-range regional transportation plan, *Way to Go, Whatcom*. The plan placed a greater emphasis on equity and inclusion than previous plans had and included the following strategies:

- Adoption of an updated Public Participation Plan that specifies outreach to and engagement with community members who represent the actual ethnic, income, age, and linguistic composition of our region.
- Coordination with transportation service providers (WTA, non-profits, private sector) as part of updating and implementing the Human Services Transportation Plan.
- Evaluate project selection criteria to recognize the equity-based interest in investing in historically marginalized communities and locations (e.g., underserved by infrastructure, disproportionately impacted by transportation emissions, etc.).
- Evaluate project selection criteria to emphasize investments in connecting high-need communities with transportation, specially to employment, education, and healthcare.

With regard to environmental justice, *Way to Go, Whatcom* included the following strategies:

- Inclusion of the U.S. Environmental Protection Agency's environmental justice screening and mapping tool (EJSCREEN) on WCOG's GIS portal.
- WCOG's human services transportation planning activities include focused attention on the transportation needs of low-income populations.

All Council Board, Policy Board and Executive Committee meeting packets included WCOG's "Title VI Notice to the Public" in both Spanish and English.

The on-call arrangement that was established in 2019 with Salud Translation Services of Bellingham, Washington, for Spanish interpretation was continued, and translators for Punjabi, Russian or Ukrainian speakers have been identified in the event their services are required. A good faith effort will be made to provide assistance to speakers of other languages, as needed.

The Whatcom Council of Governments website ([www.wcog.org](http://www.wcog.org)) has a translator tool.

The following brochures are available in Spanish:

- Whatcom Smart Trips Program brochure
- *Los chicos viajan gratis* (Whatcom Smart Trips 7th Grade bus program)

All contracts and agreements include the Standard Assurances, USDOT 1050.2A.

## **B. Studies**

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- *Were any studies conducted during the reporting period that provided data relative to minority persons, neighborhoods, income levels, physical environments, and/or travel habits?*
- *If so, what type of assistance was provided to ensure that Title VI considerations were included in planning the studies?*

No studies providing data relative to the region's minority community were conducted during the reporting period.

### **C. Draft TIPs**

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The draft 2022 Transportation Improvement Program (TIP) was released for public review and comment during the reporting period. Notification of the availability of the draft TIP was posted on the WCOG website and published in the newspaper of record, *The Bellingham Herald*. The Notice of Public Hearing for the draft 2022 TIP provided instructions on how to register to speak at the hearing, either in person or virtually, as well as how to submit comments in writing. No comments were received prior to the 2022 TIP's adoption on October 13, 2021.

### **D. Other Public Hearings**

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There were public hearings held in July, October and December of 2021 and January, March and May of 2022 to receive the public's comments on proposed amendments to the adopted 2022 TIP; none were received. There was a public hearing held in October 2021 to receive comment on the draft Public Participation Plan; none was received. In June 2022, a public hearing was held to receive comment on the proposed long-range regional transportation plan, *Way to Go, Whatcom*. No comments were received at the hearing.

### **E. Upcoming Year**

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The Executive Director will continue updating the *Combined Title VI and Limited English Proficiency Plan*, which will be considered for adoption by the Council Board in December 2022. The Whatcom Smart Trips program anticipates carrying out the 7<sup>th</sup> Grade Bus Pass program in three sessions in spring of 2023, and the assessment form will again be offered in Spanish.

## **5. Environmental Affairs: Accomplishment Report and Update**

### **A. Monitoring and Review Process**

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WCOG was not involved in Environmental Affairs during the reporting period.

### **B. Staff Responsible for Environmental Affairs**

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Not applicable

### **C. Environmental Impact Statements (EIS)**

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No EISs were conducted during the reporting period.

### **D. Upcoming Year**

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Nothing is planned at this time.

## 6. Consultant Contracts: Accomplishment Report and Update

### A. Monitoring and Review Process

- Briefly describe the process for issuing RFPs and soliciting consultants.

WCOG uses the process described in WSDOT's *Local Agency Guidelines*, Chapter 31 ("Using Consultants") when issuing RFPs and soliciting consultants. Refer to this [link](#) for further details.

- Describe the actions taken to promote consultants' compliance with Title VI, including monitoring and review processes, and their outcomes or status. (i.e., are Title VI requirements included in all contracts and consultant agreements; were contractors and consultants annually reviewed to ensure compliance; are Title VI issues explained to contractors and consultants?)

Consultants retained by WCOG – whether contracted using federal and/or state funding, or not – are expressly required to comply with all pertinent provisions of Title VI and WCOG's *Combined Title VI and Limited English Proficiency Plan*.

### B. Consultant Contracts

Eight consultant contracts were in effect during the reporting period; the dollar values of those contracts were:

- \$8,260
- \$9,912
- \$45,416
- \$45,936

### C. Upcoming Year

The two highlighted contracts in the list above have tasks and funds remaining and are continuing in SFY 2023. No additional consultant contracts are anticipated at this time.

## 7. Education & Training: Accomplishment Report and Update

### A. Monitoring and Review Process

Education and training opportunities are equally available to all employees, assuming they are pertinent to the employee's job responsibilities. A log of employee education and training is maintained and reviewed annually.

### B. Staff Responsible for Coordinating Training

- Identify staff by job title, ethnicity, and sex responsible for selecting which employees receive training.

Title	Ethnicity	Gender
Executive Director	White	Male

**C. Complaints**

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No complaints were received during the reporting period.

**D. NHI Training**

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No NHI training was taken by WCOG staff during the reporting period.

**E. Title VI Training**

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No Title VI training was received in FY 2022.

**F. Upcoming Year**

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The Executive Director will continue to seek training opportunities for him and other staff members, as appropriate.

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

### Assurances

#### DOT Order No. 1050.2A

The Whatcom Council of Governments (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Washington State Department of Transportation (WSDOT), is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Washington State Department of Transportation.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Whatcom Council of Governments, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:




- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Whatcom Council of Governments also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Whatcom Council of Governments access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Whatcom Council of Governments. You must keep records, reports, and submit the material for review upon request to Whatcom Council of Governments, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Whatcom Council of Governments gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Washington State Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Whatcom Council of Governments

\_\_\_\_\_  
(Name of Recipient)

by   
(Signature of Authorized Official)

DATED \_\_\_\_\_ August 1, 2022 \_\_\_\_\_

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Washington State Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Washington State Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Washington State Department of Transportation, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Washington State Department of Transportation may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Washington State Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Whatcom Council of Governments will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Whatcom Council of Governments all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto Whatcom Council of Governments and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Whatcom Council of Governments, its successors and assigns.

The Whatcom Council of Governments, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Whatcom Council of Governments will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Whatcom Council of Governments pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Whatcom Council of Governments will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Whatcom Council of Governments and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Whatcom Council of Governments pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Whatcom Council of Governments will there upon revert to and vest in and become the absolute property of Whatcom Council of Governments and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).