

**Title VI Plan**

**Port of Pasco**

**September 2022**

**Randy Hayden, Executive Director/Signing Authority**

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## I. Title VI Policy Statement

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

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

Examples of prohibited types of discrimination based on race, color, or national origin include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment. Harassment and retaliation are also prohibited forms of discrimination.

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

Signed:   
Randy Hayden, Executive Director, Port of Pasco

Sept. 12, 20 22

## II. Organization, Staffing, and Structure

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

The Port of Pasco has created the position of Title VI Coordinator to perform the duties of the Title VI Coordinator and ensure implementation of their Title VI program. The position of Title VI Coordinator is located within the airport department and will be supported by representatives in multiple departments within the Port of Pasco.

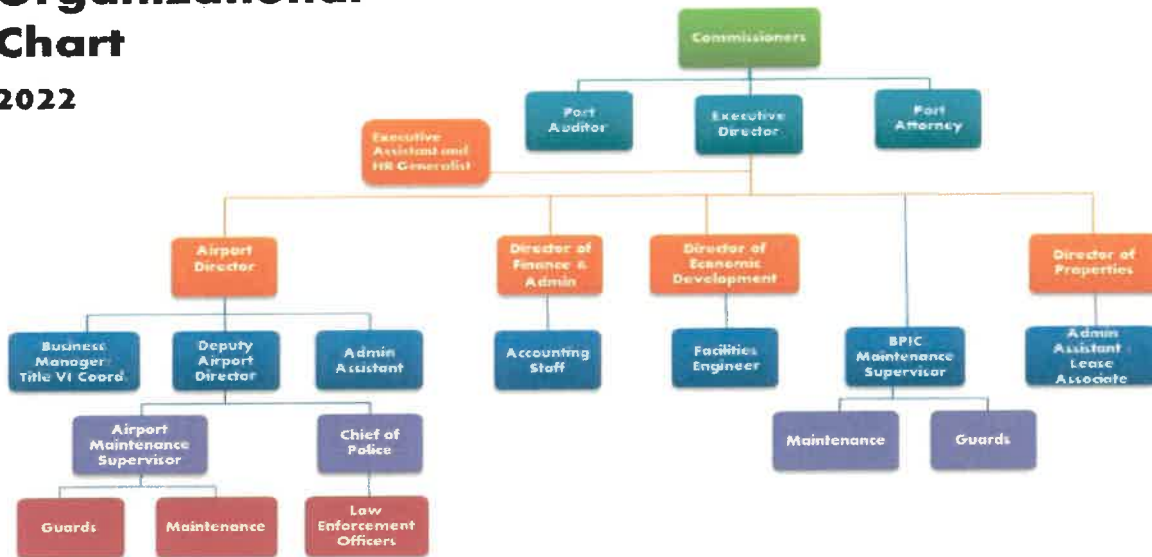
The Title VI Coordinator is responsible for:

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

- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

The Title VI Coordinator is supported by Port staff and is also responsible for Title VI Coordination at the Port-owned Tri-Cities Airport. Please see the Port of Pasco Organizational Chart below:

## Port of Pasco Organizational Chart 2022



### III. Primary Program Area Descriptions & Review Procedures

**Title VI Coordinator's Responsibilities and Program Administration** – As authorized by the Agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the Port of Pasco's compliance with Title VI requirements as follows:

<b>Program Area</b>	<b>General Description</b>	<b>Title VI/Non-Discrimination Concerns and Responsibilities</b>	<b>Review Procedures for Ensuring Non-Discrimination</b>
All Program Areas	An overview of all program areas	1. Making sure Disadvantaged Business Enterprises (DBE) goals are included in projects, as necessary  2. Adequate language assistance is available to LEP populations.	Monitor and ensure compliance with Title VI and DBE programs and goals, as necessary  Process complaints as needed  Reporting to agencies as required
Planning	Project Planning	1. Limited English Proficient (LEP) populations are served  2. Analysis of impacted segments of the community are complete	See above entry for all program areas
Training	Training Port staff, consultants, and contractors	1. Provide annual training to Port staff	Use training available Washington State Department of Transportation (WSDOT) and conference/training opportunities  Annual Port training
Construction	Includes Request For Proposals (RFP) process and actual construction	1. Hiring follows Title VI  2. Bid docs have adequate language	See entry in all program areas  Ensure compliance during project with Title VI and DBE programs

		3. DBE goals as required 4. Include Form FHWA-1273	Note language in contracts with consultants and contractors in planning meetings
Maintenance	Maintenance of buildings/facilities/roads/etc.	1. Follow Title VI requirements 2. Communication available to LEP populations	See entry for all program areas

#### IV. Review Procedures

The Port of Pasco's Title VI Coordinator is responsible for developing review procedures and implementing reviews in accordance with requirements of federally funded program agreements. Reviews will be conducted on a program level applicable to the project. This review will include ensuring language is included in documents, staff is trained on Title VI procedures, impacts are assessed, and alternatives are used in the case of a disproportionate impact on one community group, any complaints are processed, and reports are made to relevant agencies, in accordance with the requirements of federally funded agreements/projects.

#### V. Data Collection/Reporting/Analysis

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e., Title VI Purpose for Collecting the Data)
Planning and Environmental	Track race/ethnic groups impacted by using US census data, as required.  Track race/ethnic groups attending public meetings by soliciting anonymous information, as required.	Monitor and report impacts by race/ethnicity, as required.  Assess meeting attendance and increase outreach if needed, as required.
Training	Participant list tracking	Monitor participant list to ensure all Port staff are trained, as required.
Construction	DBE information on projects	Monitor to ensure LEP contractors can understand the Title VI language in agreements, as required.

Maintenance	Track LEP maintenance requests, as required.	Monitor LEP requests for maintenance, as required.
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**VI. Title VI Training**

In keeping with adopted the Port of Pasco’s policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. Departments will maintain program administration documentation and data necessary for preparation of annual Title VI reports and will routinely supply the necessary data to the Title VI Coordinator.

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

**VII. Title VI Complaint Procedures**

Discrimination Complaint Procedure for the Port of Pasco

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

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

Who is eligible to file a complaint?

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

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

How do you file a complaint?

Complaints must be filed no later than 180 days from the last date of the alleged discrimination. Contact the Port of Pasco’s Title VI Coordinator, if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the Port of Pasco’s Title VI Coordinator.

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

A complaint should contain the following information:

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

All Title VI complaints are logged. The Complaint log must contain the following information for each complaint filed:

- The name and address of the person filing the complaint.
- The date of the complaint.
- The basis of the complaint.
- The disposition of the complaint.
- The status of the complaint.

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

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

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

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

#### What happens after a complaint is filed?

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

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



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

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



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

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

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

Who \_\_\_\_\_ When \_\_\_\_\_  
Status (pending, resolved, etc.) \_\_\_\_\_ Result, if known \_\_\_\_\_  
Complaint number, if known \_\_\_\_\_  
*Do you have an attorney in this matter?* \_\_\_\_\_

Name (print) \_\_\_\_\_  
Phone \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_  
Signed \_\_\_\_\_ Date \_\_\_\_\_

## **IX. Public Participation**

*The Port of Pasco conducts public outreach through several different means and formats, including, but not limited to the following:*

- Public comment periods as required for capital project permitting
- Port of Pasco Commission Meetings
- Advisory Citizen Committees for projects of high interest
- Social Media and website notifications
- Participation and attendance at local events (Chambers of Commerce, Visit TriCities, TRIDEC, Hispanic Chamber of Commerce)
- Minority populations are identified through the US Census Data and community partners/liaisons

### **Limited English Proficiency**

The Port of Pasco will assess available data regarding community members with Limited English Proficiency by using US census and other governmental agency data and applying the Four Factor Analysis. This analysis will be used to determine the need to translate public outreach notices into different languages to effectively communicate with those community members.

Generally, translation to other languages will be initiated as part of the Public Outreach noticing process for identified community areas with members having Limited English Proficiency exceeding 10%. Applicable documents likely eligible for translation are: notices of proposals or projects that are large scale and impact a significant number of community members, environmental clean-up projects that are normally subject to multiple local, state, and federal regulatory agency reviews that involve public comment, and land transactions that may result in the relocation of individuals, and planning documents that influence land use changes.

Public outreach may include statements encouraging participation by individuals with limited English proficiency, this notice may be translated into the languages deemed appropriate based on the language analysis.

Public outreach may also include social media and website postings, translated into the languages deemed appropriate based on the language analysis.

The Port of Pasco's Limited English Proficiency Four Factor Analysis is included in this plan as Exhibit A.

## **X. Environmental Justice**

The Port of Pasco's Title VI Coordinator and assigned staff will develop and implement procedures to prevent, mitigate and correct the possible high and adverse disproportionate burdens or environmental effects of the Port of Pasco's programs, policies and activities on minority and low-income populations, as required, on federally funded projects.

Minority and low-income community members will be identified through one or more of the following sources: US Census data, community liaisons/partners, reporting from other governmental agencies and other sources, as appropriate.

The Title VI Coordinator and staff will evaluate potential adverse burdens or environmental effects for programs and projects and will assess whether they disproportionately burden minority and/or low-income populations. This evaluation may be applied to one or more alternative approaches for the program/project in a singular or iterative manner intended to prevent, mitigate, or correct such disproportionate burdens. This process shall be applied in accordance with federally funded applicable program/project agreements and this Title VI Plan.

Maps of the relative populations in the City of Pasco are shown at the following links:

- Map of household income by tract in Pasco  
<https://statisticalatlas.com/place/Washington/Pasco/Household-Income#data-map/tract>
- Map of food stamps by tract in Pasco  
<https://statisticalatlas.com/place/Washington/Pasco/Food-Stamps#data-map/tract>
- Map of race and ethnicity in Pasco  
<https://statisticalatlas.com/place/Washington/Pasco/Race-and-Ethnicity>

## **XI. Notice of Title VI Rights**

The Port of Pasco will publish the following notice on its website ([www.portofpasco.org](http://www.portofpasco.org)) and will include the procedures for making a Title VI complaint and the form to do so.

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

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

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

To file a Title VI discrimination complaint, contact:

Tara White  
1110 Osprey Point Boulevard  
Pasco, WA 99301  
(509) 547-3378 or (509) 547-6352  
[Taraw@portofpasco.org](mailto:Taraw@portofpasco.org)

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

**ATTACHMENT:**

USDOT 1050.2A, Standard Assurances with Appendices

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

**Assurances**

**DOT Order No. 1050.2A**

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

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

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

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

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

**Specific Assurances**

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

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



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

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

"The Port of Pasco, 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 for which it receives federal funding.
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.
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 for land purchased with federal funding, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

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

By signing this ASSURANCE, Port of Pasco 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 [WSDOT] access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the [WSDOT]. You must keep records, reports, and submit the material for review upon request to [WSDOT], or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

Port of Pasco  
(Name of Recipient)

by   
(Signature of Authorized Official)

DATED 9/12/22

## APPENDIX A

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

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

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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Port of Pasco will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Washington State Department of Transportation, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Port of Pasco 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 the Port of Pasco and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Port of Pasco, its successors and assigns.

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

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

## APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Port of Pasco 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, the Port of Pasco will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Port of Pasco will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Port of Pasco 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 the Port of Pasco 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, the Port of Pasco 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, The Port of Pasco will there upon revert to and vest in and become the absolute property of the Port of Pasco 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).



EXHIBIT A: Limited English Proficiency Four-Factor Analysis, Port of Pasco

I. **Four-Factor Analysis**

The following four factors are considered in assessing the level of language assistance for those groups who have Limited English Proficiency.

1. **Number or proportion of LEP persons in Pasco, WA.**

Source: US Census ([Languages Spoken at Home](#))

English Only:	50.3%
Spanish:	46.3%
Other Indo-European languages:	2%
Asian and Pacific Islander languages:	1.1%
Other languages:	.3%

2. **Frequency of contact with LEP persons.**

The Port of Pasco assessed the frequency of contacts it has been or should be having with LEP persons to determine the extent of services needed to ensure accessibility. The more frequent the contact, the more likely enhanced language services would be needed. The Port of Pasco is not currently collecting or tracking contacts with LEP individuals needing enhanced services but will work to ensure that future procedures are enacted to do so. Lacking internal data, the Port of Pasco used Tri-Cities Airport (owned and operated by the Port of Pasco) survey data to get an estimate of LEP contact frequency. The results of the most recent survey at the airport, completed in August of 2022, showed that an LEP individual encounters airport tenants an average of once per day. Car Rental Operators, Airlines, TSA, the Parking Lot Operator, and the Food/Gift Operator were included in this survey. Results also showed that the language assistance needed was nearly always (98+%) in the Spanish language. This aligns with the high percentage of Spanish speakers at home in step 1.

3. **Nature and importance of the program to people's lives**

There is a significant community of Spanish speaking persons living in the City of Pasco with a significant percentage that are of limited English-speaking proficiency. To assist those persons, the Port has prepared the LEP program to recognize the use of interpretive resources such as phone services, translated documents, applications, and bilingual employees.

## EXHIBIT A: Limited English Proficiency Four-Factor Analysis, Port of Pasco

### 4. Resources available and costs to consider

The two largest and most well received resources for LEP persons is a bilingual Port employee and translated notices. As of today, there are four (4) bilingual Port employees. These employees are available for translation services. In addition, telephone translation services are available, as well as apps like google translate.

**AT&T Language Assistance: 1-831-648-7582**

Applicable documents likely eligible for translation to Spanish are proposals or projects that are large scale and impact a significant number of community members, environmental clean-up projects that are normally subject to multiple local, state, and federal regulatory agency reviews that involve public comment, and land transactions that may result in the relocation of individuals, and planning documents that influence land use changes.

Public outreach may include statements encouraging participation by individuals with limited English proficiency, this notice may be translated into the languages deemed appropriate based on the language analysis.

Public outreach may also include social media and website postings, translated into the languages deemed appropriate based on the language analysis, which has resulted in the language of Spanish.

## II. Summary and Ongoing Support of Language Assistance Efforts

The current focus of the Port of Pasco language assistance efforts is directed at Spanish speaking persons. Ongoing efforts will be made to bridge gaps in communication with LEP persons. The Port of Pasco will update census and statistical data as it becomes available, regularly review perceived LEP needs with employees, tenants and other businesses and will monitor language assistance requests.

The Port of Pasco will monitor the LEP efforts annually and will update the LEP plan and application as needed. On-going efforts will include:

- Regular review of the LEP Plan.
- Monitor any demographic changes in the area that have the potential to impact the LEP Plan.
- Review any LEP related complaints regularly and develop programs and procedures to mitigate them.