



TITLE VI PLAN

January 2020

City of Bellevue Federally Funded Transportation Program

City Council

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I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

The City of Bellevue assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be

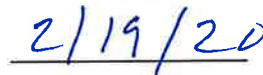
excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City sponsored program or activity. The City of Bellevue further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

In the event the City of Bellevue distributes Federal aid funds to another entity, the City will include Title VI language in all written agreements and will monitor the sub-recipients for compliance.

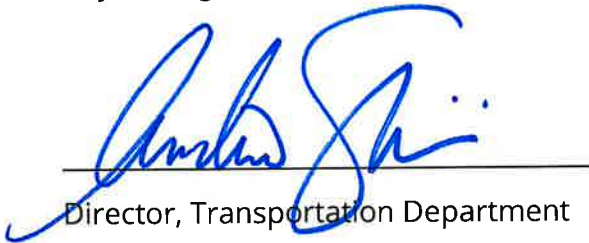
Title VI compliance is a condition of receipt for Federal funds. Assurance of compliance, therefore, falls under the proper authority of the City Manager's Office pursuant to its budgetary authority and responsibility. The City Manager, Department Director, and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



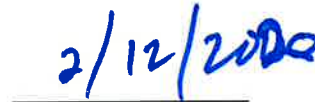
City Manager



Date



Director, Transportation Department



Date



Assistant City Attorney



Date

B. 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

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be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

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

Limited English Proficiency - Executive Order 13166 clarifies that individuals with limited English proficiency are protected under the Title VI nondiscrimination provisions related to national origin, and requires Federal aid recipients, sub-recipients and contractors to take reasonable steps to provide meaningful access to programs, services and entities. These reasonable steps may include providing information, services and materials in languages other than English.

Environmental Justice - Executive Order 12898 clarifies that Title VI requires Federal aid recipients, sub-recipients and contractors to conduct an equity assessment to ensure full and fair participation of minority and low-income communities and avoid disproportionately high or adverse human and environmental impacts from transportation projects.

C. Additional Citations

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

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships

(See Appendix 4)

B. Staffing and Structure

AGENCY ADMINISTRATOR

The City Manager is authorized to ensure compliance with provisions of the City's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The City's grants compliance function and Title VI coordination shall be performed under the authority of the City Manager. The City Manager may designate the Transportation Department Director to provide oversight of Federal grants compliance and Title VI coordination within the director's functional area. The City Manager may also designate other departments and agency personnel to provide oversight of Title VI coordination for other city functions, particularly to ensure that all city programs and activities comply with the general nondiscrimination, Environmental Justice, and Limited English Proficiency requirements that apply to the entire agency.

TITLE VI COORDINATORS

The City of Bellevue has designated the position of Transportation Capital Facilities Planning and Programming Manager to perform the duties of the Title VI Coordinator for the Transportation

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Department and ensure implementation of the City's Title VI federally funded Transportation Program. The Transportation Capital Facilities Planning and Programming Manager has other duties and responsibilities in addition to Title VI. Although the Transportation Capital Facilities Planning and Programming Manager is not directly supervised by the Transportation Department Director, this position, when serving in the role of Title VI Coordinator, shall have an indirect reporting relationship and access to the Department Director.

The City of Bellevue has also designated the position of ADA/Title VI Civil Rights Administrator, located in the Diversity Advantage Team, as a City Title VI Coordinator, who collaborates with the Transportation Capital Facilities Planning and Programming Manager regarding Title VI citywide. The Diversity Advantage Team promotes the access, equity, inclusion and opportunity throughout all city departments and public contact activities. The ADA/Title VI Civil Rights Administrator works closely with the Outreach & Engagement Program Administrator and the Diversity & Inclusion Program Administrator to develop and implement nondiscrimination policies, public participation strategies, language translation and interpretation services, disability accommodation services, equity in contracting and procurement, diversity hiring and recruitment plans, and other citywide initiatives that ensure full compliance with Title VI. The ADA/Title VI Civil Rights Administrator also has responsibility for implementing the Americans with Disabilities Act and preparing the city's ADA Self-Evaluation and Transition Plan and periodic updates and works closely with Transportation Department staff to complete these tasks.

TITLE VI SPECIALISTS

Additionally, the Transportation Department has designated Title VI Specialists in departmental emphasis areas. The Specialists, designated below, shall work in concert with the Transportation Department Title VI Coordinator and City Title VI Coordinator. These key programs or departmental areas may receive Federal assistance through grants or other types of transportation-related funding or are responsible for implementing directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Title VI Coordinators to ensure their respective divisions and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will work with the Coordinators to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under Federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Coordinators to obtain statistical data on race, color, national origin, language proficiency, income level, handicap/disability, and sex of participants in, and beneficiaries of federally funded City of Bellevue transportation programs. Each of the Specialists will maintain data relative to their respective emphasis program area, designated below. The Coordinators shall use the data to complete annual Title VI reports and for other administrative needs.

Title VI Specialists by Emphasis Area:

Capital Projects: Michael Rodni

Contracts: Jennifer Spino

Administration: Cheryl Terry

Neighborhood Services: Rebecca Rodni

Planning: Mia Waters

Public Information: Marie Jensen

Real Property: Patti Ebert

Traffic Engineering/

Mgmt: Hillary Stibbard

III. Title VI Plan Implementation and Program Administration

TITLE VI COORDINATOR'S RESPONSIBILITIES AND PROGRAM ADMINISTRATION

As authorized by the City Manager, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Bellevue's compliance with Title VI requirements as follows:

A. Program Administration.

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policies, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Department Director.

B. Complaints.

Review written Title VI complaints that may be received by the Transportation Department following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection.

Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).

D. Environmental Impact Statements.

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the Transportation Department for projects receiving Federal Highway Administration or other Federal assistance.

E. Training Programs.

Conduct or facilitate training programs on Title VI issues and regulations for Agency employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update. Citywide Title VI training programs are planned to occur on approximately a quarterly basis.

F. Title VI Plan Update.

Review and update the City of Bellevue's Transportation Title VI Plan as needed or required. Present updated plan to the Transportation Director and City Manager for approval; submit amended Plan to WSDOT.

G. Annual Accomplishment Report.

Prepare an annual report of Title VI accomplishments and changes to the program in the preceding federal fiscal year; identify goals and objectives for the upcoming year as required; and submit no later than one month past the conclusion of each annual reporting period.

H. Public Dissemination.

Work to develop and disseminate Title VI program information to Transportation Department staff and other City of Bellevue employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Agency's Title VI Policy Statement in newspaper(s) having a general circulation. Ensure public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, are posted in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination.

Work with the City Attorney's Office, Human Resources Department, and other City offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Transportation Department process.

J. Maintain Legislative and Procedural Information.

Federal laws, rules and regulations, WSDOT guidelines, the current City of Bellevue Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Agency's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other City departments or the public as requested or required.

IV. NHI Education and Title VI Training

In keeping with adopted City of Bellevue nondiscrimination policies, departmental procedures will be established or followed for Transportation employees to have equal access to applicable educational and training opportunities. Transportation staff 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.

A. National Highway Institute (NHI) Education

The Coordinator will be notified when training for the National Highway Institute courses or workshops become available to City of Bellevue Transportation employees. The Transportation Department Director will establish a policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, national origin or sex. A report will be completed and forwarded to the Coordinator upon completion of each educational seminar or course throughout the reporting period, which shall include the name of each participant, their title, division, sex and ethnicity for use in completing the annual Title VI accomplishment report.

B. Title VI Training

The Coordinator is responsible for overall Title VI related training and staff development for Title VI Specialists and other City of Bellevue employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. WSDOT's Office of Equal Opportunity Internal and External Civil Rights Branch and the Contract Compliance Office may be asked to provide applicable training.

In a partnership between the City of Bellevue Transportation Department and the City Manager's office, A Title VI Employee Training has been developed. This training, which will be taken by all employees focusing first on those who interface with Title VI mandates most often, covers the following areas:

- I. Overview of Title VI and The Civil Rights Act of 1964
- II. Title VI Program Expectations

- III. City of Bellevue Diversity Advantage Initiative and the Changing Face of Bellevue
- IV. Mandates Under Title VI for Providing Access to Those with Limited English Proficiency
- V. Title VI and Environmental Justice

This training was designed to be four hours and allows participants to practice many aspects of Title VI compliance using scenarios as well as small and large group activities. Participants are expected to evaluate sample documents for their level of Title VI compliance, explore the city's available resources to provide language translation and interpretation, and brainstorm strategies for providing services to people who are protected under the Civil Rights Act.

C. Selection of Instructors

The Coordinator will collaborate with the City of Bellevue's Contracting Services and Purchasing Divisions to ensure City policy is followed in the selection of instructors for City of Bellevue Transportation training courses/ workshops and ensure equal opportunity in the selection process for all training contracts. Per adopted policy, the City will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts.

V. Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

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

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

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the ADA/Title VI Civil Rights Administrator. A formal complaint must be filed within 180

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calendar days of the alleged occurrence. Complaint forms are available through the City's website or by contacting a Title VI Coordinator. The City will not officially act or respond to complaints made verbally.

2. Upon receiving the written complaint, the ADA/Title VI Civil Rights Administrator in consultation with the Transportation Department Title VI Coordinator and other City offices, will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint.
3. If the complaint is against the City, the City will request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the City, the appropriate Department and/or division shall be notified of the complaint, within 15 calendar days, and the City will determine whether it will investigate the complaint or request WSDOT to conduct the investigation.
4. Once the City decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the City of Bellevue assumes investigation of the complaint, the City will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the City with his/her response to the allegations.
6. Within 60 days of receipt of the complaint, the Title VI Coordinator or WSDOT investigator will prepare a written investigative report for the Department Director and City Manager. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The recommendation shall be reviewed by the City Attorney's office, which may discuss the report and recommendations with the Transportation Department and City Title VI Coordinators and/or other appropriate departmental staff. The report will be modified as needed and finalized for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and City or WSDOT investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.

10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. The Title VI Coordinator will maintain an annual Log of Complaints, which will 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

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

VI. Sub-Recipient Review and Remedial Action Procedures

A. Title VI Review of Sub-recipients of Federal-Aid Highway Funds

Transportation Title VI Specialists and the Title VI Coordinator will assist WSDOT to periodically conduct Title VI compliance reviews. Transportation Department staff will review select recipients of Federal-Aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VII). The Title VI Coordinator and Specialists will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, include Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Reviews

The Coordinator will collaborate with Transportation and Contracting Services staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients included Title VI language, provisions, and related requirements, where applicable.

C. Remedial Action.

When irregularities occur in the administration of Federal-aid highway programs at either the City or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The City of Bellevue will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The City will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, the City will reduce to writing any recommended remedial action agreed upon by the Transportation Department and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

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

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the City of Bellevue and WSDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities in Special Emphasis Program Areas

A. Planning & Location Activities

1. Planning Process.

The Transportation Planning Division has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to City of Bellevue citizens. The City annually updates and coordinates its six-year plan for transportation improvement programs and projects and bi-annually updates its seven-year capital investment program plan. The updates inform other City of Bellevue departments and neighboring jurisdictions of the current planning direction for transportation needs. Projects included in the updates are the result of evaluation and the prioritization of needs in various transportation areas. The evaluation process includes input from the City Title VI Coordinator, various divisions in the department, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans are consistent with the policies of the adopted Comprehensive Plan approved under the State's Growth Management Act.

2. Authorities.

Bellevue City Code; 23 CFR 450; RCW 35.77; RCW 36; RCW 47.06 Statewide Transportation Planning; RCW 47.80 Regional Transportation Planning Organization (RTPO)

3. Public Involvement in Planning Activities & Title VI.

- a. The Transportation Department will invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning boards, and requesting involvement.
- b. Transportation Department and other staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to the Title VI Coordinator after each meeting.
- c. To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the city, including those along transit routes. Staff will also ensure translation services are available if anticipated and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

B. Consultant Contracts Activities

1. Consultant Contracts Administration.

The Planning and Capital Projects Divisions are responsible for recommending consultant firms to support Transportation Department activities. Project managers participate in final selection, negotiation, and award with the approval of the City Council. In coordination with the project managers, the Transportation Financial Services group administers awarded consultant contracts.

2. Authorities.

Bellevue City Code; WSDOT Local Agency Guidelines; 48 CFR 31; 23 CFR 172

3. Consultant Selection Process.

Contracting Services staff or project management staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering, which may relate to transportation projects and the development of construction plans and special provisions for roads and bridges; design work associated with structures; performing environmental studies or preparing NEPA or SEPA documents for transportation projects. Consultant selection from the certified list maintained by the Contracting Services group adheres to Washington State regulations and is consistent with City of Bellevue vendor policies.

4. Title VI Assurances and Provisions.

Transportation Department staff will:

- a) Include applicable Disadvantaged Business Enterprise (DBE) goals in designated projects, and seek to proactively achieve the goal(s).
- b) Include Title VI assurance and provision language in all Federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. For planning and design contracts, information on the number of contracts, the contractor name, project name, contract amount, and WMDBE status of city contracts is periodically collected and included in the Annual Update Accomplishment Report.
- c) Maintain updated demographic data on the utilization of women-and minority-owned consulting firms. As needed, information on WMDBE status of consultants or sub-consultants including consultant names will be collected and included in the Annual Update Accomplishment Report.

C. Design & Engineering / Environmental Activities

1. Capital Improvement Projects (CIP):

The Capital Projects Division is responsible for implementing the Capital Investment Program (CIP) and environmental permitting for projects. Studies are performed when needed to assess various environmental factors as they relate to the implementation of the City's transportation capital program, including evaluating demographic data.

2. Authorities.

Bellevue City Code; Local Agency Guidelines - WSDOT- M36-63; Standard Plans For Road, Bridge and Municipal Construction-WSDOT; APWA - M21-01; Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622; WSDOT EPM M31-1; EO 12898

3. Design /Environmental Review Process and Title VI

Transportation Department staff will:

- a) Depending on the scope, complexity, and impacts of a project, complete a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement.
- b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Title VI Coordinator; including updated summary lists as applicable.

- c) Incorporate into the review process adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the City's Federal-Aid highway activities.
- d) In order to ensure dissemination of information and foster participation from affected populations, place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
- e) Obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form that includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Title VI Coordinator after each meeting.
- f) The Coordinator will work with the city's GIS team in the Information Technology Department to generate a map of transportation project areas to include demographic data of the neighborhoods affected by the projects.

D. Right-of-way Activities

1. Real Property Services.

The Real Property Services Group manages and coordinates the appraisal and acquisition of real property and relocation assistance services for transportation projects. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management. The Real Property Services Group is not located within the Transportation Department, but rather reports through a department providing citywide services.

2. Authorities.

Right of Way Manual; 23 CFR 130; 49 CFR 24; RCW Chapter 47; WAC 468.100

3. Right-of-way Activities and Title VI

Real Property staff will:

- a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted City of Bellevue vendor procurement policies in the acquisition of contracted services.
- b) Utilize current OMWBE directories identifying fee appraiser organizations and the Washington State Department of Transportation's list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator.

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- c) Follow the guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI, ADA and Section 504.
- d) Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- e) Provide copies of relocation assistance literature produced by WSDOT and a copy of the City of Bellevue Title VI Compliance Information sheet to all affected parties.
- f) Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
- g) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- h) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- i) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. Construction Management Group.

This group is located in the Capital Projects Division and is responsible for administration of all new construction contracts and inspecting bridges. The Capital Projects Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Transportation Department Director.

2. Authorities.

Construction Manual M41-01; Maintenance Manual M51-01; Local Agency Guidelines; Standard Specifications for Road, Bridge, and Municipal Construction

3. Maintenance.

The Streets Maintenance Division of the Transportation Department is responsible for maintaining City of Bellevue roads, bridges, and grounds by economically utilizing the resources of contractors, equipment, and materials.

4. Authorities.

Maintenance Manual M 51-01; Construction Manual M 41-01; Standard Specifications for Road, Bridge and Municipal Construction Section (M 41-10)

5. Construction and Maintenance Activities and Title VI

Transportation Department staff will:

- a) Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the City's Title VI Policy Statement (p. 2) and Assurances (p. 13-18) herein.
- b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
- c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs that perform commercially useful functions.
- d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all efforts.
- e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.

Exhibit 1 – City of Bellevue Title VI Notice to the Public

The City of Bellevue hereby gives public notice that it is the City'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, sex, or national origin be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Federal Aid Highway program or other activity for which the City of Bellevue 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 City of Bellevue. Any such complaint must be in writing and filed with the ADA/Title VI Civil Rights Administrator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained through the City's website (www.bellevuewa.gov) or from the Title VI Coordinator at no cost to the complainant by calling (425) 452-6168.

Exhibit 2 – City of Bellevue Title VI Assurances

The City of Bellevue in the State of Washington, (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT, as a condition of receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, 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, sex, 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 through the Washington State Department of Transportation, including the U.S. Department of Transportation and Federal Highway 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)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

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

The City of Bellevue, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d--42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure 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, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

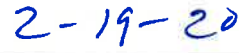
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That when the Recipient receives Federal financial 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 when 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 rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, 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 s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all 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 endorsement 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 U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

City of Bellevue Title VI Plan – January 2020



City Manager



Date



Director, Transportation Department



Date

Appendix 1 – Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers

The City of Bellevue will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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 during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment.

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement 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 ground of race, color, sex, 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 City of Bellevue or the Washington State Department of Transportation 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 City of Bellevue or the Washington State Department of Transportation 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 the nondiscrimination provisions of this contract, the City of Bellevue and the Washington State Department of Transportation shall impose such contract sanctions as it, or the Federal Highway 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 procurement 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 subcontractor or procurement as the City of Bellevue or the U.S. Department of Transportation, Federal Highway 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 City of Bellevue enter into such litigation to protect the interests of the City and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix 2 – Granting and Habendum Clauses

When the City of Bellevue is the recipient of real property, structures or improvements thereon, or interest therein **from** the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

GRANTING CLAUSE

NOW, THEREFORE, the City of Bellevue, as authorized by law, 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 Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (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 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto the City of Bellevue all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bellevue, 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 the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the City of Bellevue, its successors, and assigns.

The City of Bellevue, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, 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)¹ (2) that the City of Bellevue, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of 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, and (3) that in the event of

¹ 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 Civil Rights Act of 1964.

City of Bellevue Title VI Plan – January 2020

breach of any of the above mentioned nondiscrimination conditions, the Agency shall have a right to reenter 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.

Appendix 3 – Lease/Deed Provisions

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by the City of Bellevue pursuant to the provisions of Title VI Assurances, item 7:

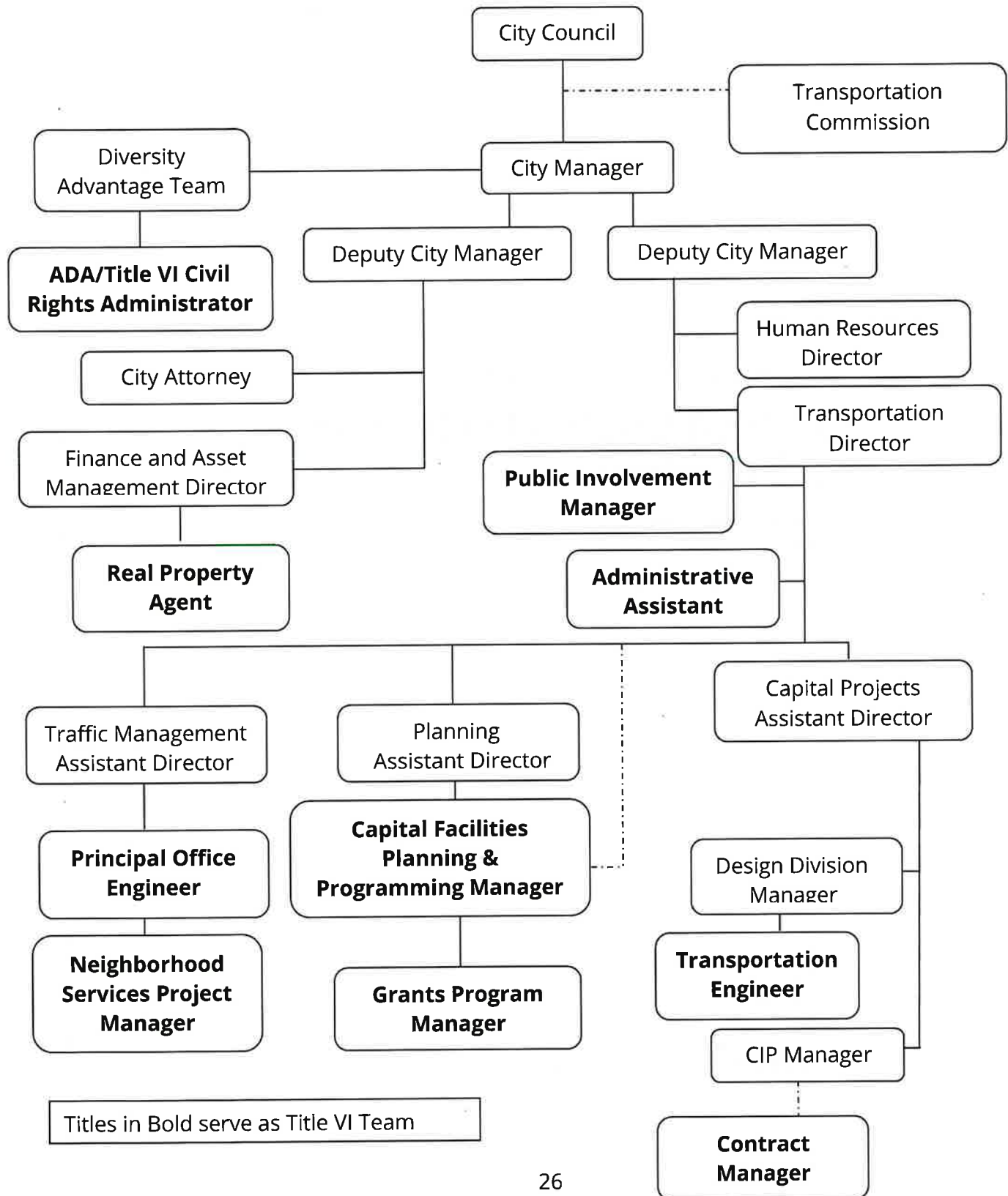
The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of Bellevue pursuant to the provisions of Title VI Assurances, item 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises 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, Nondiscrimination 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 may be amended. That in the event of breach of any of the above nondiscrimination covenants, the City of Bellevue shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

Appendix 4 – Title VI Organizational Chart



Appendix 5—Limited English Proficiency (LEP) Plan

City of Bellevue Department of Transportation

Limited English Proficiency (LEP) Plan

Part of the Department of Transportation's Civil Rights Act Title VI
Plan

Transportation Implementation Planning Group
2-6-2020

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APPENDIX C

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Introduction:

As a recipient of Federal funds, the City of Bellevue is required to follow certain federal regulations. Consequently, the City of Bellevue Department of Transportation has laid out this LEP (Limited English Proficiency) plan to ensure compliance with both Title VI of the Civil Rights Act of 1964 concerning access to services for people with limited English proficiency. It also responds to Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, which directs recipients of federal funding to take reasonable steps to ensure that people with limited English proficiency have meaningful access to their programs and activities.

This plan will also help the City of Bellevue's Transportation department comply with the King County executive order INF 14-2 (AEO) on Written Language Translation Process.

Plan Summary:

This LEP plan consists of two primary components: A federally mandated Four Factor Analysis, as well as an implementation plan. Four Factor Analysis consists of the following four considerations:

1. *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.*
2. *The frequency with which LEP persons come into contact with the program.*
3. *The nature and importance of the program, activity, or service provided by the program to people's lives.*
4. *The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.*

The implementation plan consists of the specific steps and measures that will be taken to outreach and provide services to LEP individuals. The implementation plan details how language assistance will be provided by the City of Bellevue, how individuals will be notified about said language assistance, how staff will be trained to follow the newly implemented guidelines, and how the plan will be modified and updated over time.

Legal Basis:

This plan is legally mandated by Title VI of the Civil Rights Act of 1964, as well as Executive Order #13166 passed on August 11, 2000. A copy of Executive Order 13166 is available in Appendix B.

Part I: Results of Four Factor Analysis:

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient:

To determine the number of LEP individuals in the City of Bellevue who are likely to be encountered by the Department of Transportation, the Department analyzed demographics data from three locations: The 2010-2014 ACS (American Communities Survey), the Bellevue School District's records on students enrolled in ELL programs, and the King County District Court data on cases in Bellevue that required interpretation. An excerpt of said data is printed below:

Most Common Non-English Languages Spoken in Bellevue, by Data Source:

Bellevue School District			King County District Court		US Census ACS	
Rank	Language	Number of ELL Students	Language	Number of Cases Requiring Interpretation	Language	Number who "speak English less than very well"
1	Spanish	724	Spanish	678	Chinese	5349
2	Chinese-Mandarin	386	Mandarin	280	Spanish	2952
3	English	152	Russian	122	Korean	2090
4	Telugu	144	Korean	59	Russian	1211
5	Japanese	127	Vietnamese	59	Vietnamese	821
6	Korean	117	Arabic	54	Japanese	795
7	Russian	111	Cantonese	51	Hindi	690
8	Chinese-Unspecified	103	Farsi	47	Persian	456
9	Hindi	85	Japanese	14	Tagalog	323
10	Vietnamese	81	Bosnian Serbo-Croatian	13	Mon-Khmer, Cambodian	213

Additionally, the City of Bellevue has relied on WSDOT's Application for Local Planning and Community Accessibility (ALPACA) to get an idea for which parts of Bellevue meet the 'safe harbor' threshold of 1,000 people or 5%+ of the population. (Maps of such regions, broken down by US Census tract and language, are available in Appendix A.)

Factor 2: The frequency with which LEP persons come into contact with the program:

The City of Bellevue's Department of Transportation does not currently possess information specifically relating to the frequency of interactions between LEP individuals and Department of Transportation staff or programs. However, a survey has been designed that will be implemented over the following year that will log data and report on interactions between City Staff and LEP individuals. In this survey, staff will be able to log when they have an interaction

with a LEP individual, and report the month the interaction took place as well as the language that the LEP individual appeared to speak.

Factor 3: The nature and importance of the program, activity, or service provided by the program:

The City of Bellevue's Department of Transportation provides many services which are of relevance to LEP individuals. The City routinely holds open house meetings and invites members of the public to comment on proposed projects and their effects. Language Access concerns must be considered to ensure equal access to services and voice in these and other meetings. Additionally, the city

Factor 4: The resources available and costs to the recipient:

In carrying out the policies outlined in Section II of this Language Access plan, the City of Bellevue has available to it the services of state contract Dynamic Language for language text translation. The City of Bellevue also contracts with Language Line assistance to provide over-the phone interpreter services. The plan is estimated to cost a total of [\$\$\$], which will come out of [budget or account].

Planned/ongoing actions:

Part II: Implementation Plan:

Identifying LEP Individuals:

The data assembled in the above Four-Factor analysis indicates that Spanish and Mandarin Chinese are by far the most prevalent of the non-English languages spoken in King County.

The data further indicates that the languages of Russian, Korean, Vietnamese, Japanese, Hindi, Tagalog, Farsi, and Arabic are also prominent minority languages in Bellevue.

The data from WSDOT's Application for Local Planning and Community Accessibility (ALPACA) mapping tool indicates that there are census tracts in Bellevue which meet the 'Safe harbor' thresholds for Spanish, "Indo-European", and "Asia/Pacific Islander" language groups. While these categories are quite broad, the data serves to corroborate the more specific demographic data presented in Factor One.

Language Assistance Measures:

Staff Training:

Based on the language distribution data summarized above, and consistent with King County's Executive Order on Written Translation, the City of Bellevue will translate public communication materials and vital documents into Spanish when feasible within available resources. The City of Bellevue will translate materials into the other commonly spoken non-English languages when those are the primary language spoken by 5 percent or more of the target audience.

The City of Bellevue will use alternative forms of language assistance when the alternative is more effective or practical. One alternative approach is to place a notice on public communication materials about the availability of interpretation service. Another alternative is to include a summary of a communication piece in Spanish and other languages as relevant and offering a full translation upon request.

Notifying Customers:

A variety of methods for providing notice have been described earlier in this plan. Key methods include the multi-language "Interpretation" graphics that are printed on neighborhood outreach mailers, the

Monitoring, Evaluating, and Updating the LEP Plan:

The City of Bellevue will annually assess the effectiveness of this LEP Plan and update it as appropriate. The assessment will include reviewing the use of language assistance measures, reviewing survey data, and gathering information from staff members who interact with people who do not speak English well.

The City of Bellevue will work with King County's demographer to maintain up-to-date data about populations that may need language assistance.

The City of Bellevue will further ensure that data on LEP populations from sources such as the Bellevue School District and the District Court are up to date and reflect current LEP populations.

Appendix A:

Full tables of data gathered from the Bellevue School District, US Census American Communities Survey, and King County District Court:

Bellevue School District: Number of ELL Students by Language:

Language	# of Students	Language	# of Students
Spanish	724	German	6
Chinese-Mandarin	386	Mongolian	6
English	152	Polish	6
Telugu	144	Chinese-Taiwanese	5
Japanese	127	Danish	5
Korean	117	Dari	5
Russian	111	Gujarati	5
Chinese-Unspecified	103	Persian	5
Hindi	85	Mandingo	4
Vietnamese	81	Oriya	4
Chinese-Cantonese	79	Ukrainian	4
Tamil	72	Wolof	4
Arabic	47	Bulgarian	3
French	37	Icelandic (Old)	3
Punjabi	35	Marshallese	3
Urdu	35	Nepali	3
Farsi	29	Samoan	3
Amharic	25	Azerbaijani	2
Marathi	21	Bangala	2
Thai	20	Burmese	2
Malayalam	16	Finnish	2
Portugese	13	Hungarian	2
Romanian	13	Italian	2
Turkish	12	Khmer	2
Albanian	11	Konkani	2
Kannada	11	Kurdish	2
Swahili	11	Lao	2
Armenian	10	Mandinka	2
Hebrew Modern	8	Oromo	2
Bosnian	7	Swedish	2
Cambodian	7	Tigrinya	2
Somali	7	Uzbek	2
Tagalog	7	Czech	1
Bengali	6	Greek Modern	1

City of Bellevue Title VI Plan – January 2020

Language	# of Students
Hmong	1
Ilokano	1
Javanese	1
Lithuanian	1
Luganda	1
Nyanja	1
Pashto	1

Language	# of Students
Pulau-Guai	1
Serbian	1
Slovak	1
Tibetan	1
Toishanese	1
Turkic	1

King County District Court: Bellevue Location: Number of Court Cases Requiring Interpretation, by Language:

Language Name	Cases
Spanish	678
Mandarin (Chinese)	280
Russian	122
Korean	59
Vietnamese	59
Arabic	54
Cantonese	51
Farsi	47
Japanese	14
Bosnian Serbo-Croatian	13
Somali	13
Amharic	12
Oromo	11
Romanian	10
Portuguese	8
Cambodian (Khmer)	7
Lantian	7
Tagalog (Filipino)	6
Armenian	5
Hindi	5
Burmese (Myanmar)	4

Language Name	Cases
French	4
Punjabi	4
Thai	4
Wolof	4
Bulgarian	3
Burmese (Karen)	3
Tigrinya	3
Italian	2
Mien	2
Mongolian	2
Taiwanese	2
Telugu	2
Ukrainian	2
American Sign Language	1
Arabic (North	
African/Maghrebi)	1
Kinyarwanda (Rwandan	
dialect)	1
Samoan	1
Tongan	1
Urdu	1
TOTAL	1508

US Census: American Communities Survey: Number of people who "Speak

Appendix B:

Copy of Executive Order 13166: Improving Access to Services for Persons With Limited English Proficiency:

50121	
Federal Register	Presidential Documents
Vol. 65, No. 159	
Wednesday, August 16, 2000	
Title 3—	Executive Order 13166 of August 11, 2000
The President	Improving Access to Services for Persons With Limited English Proficiency
<p>By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:</p> <p>Section 1. Goals.</p> <p>The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.</p> <p>Sec. 2. Federally Conducted Programs and Activities.</p> <p>Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.</p> <p>Sec. 3. Federally Assisted Programs and Activities.</p> <p>Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,</p>	

50122 Federal Register / Vol. 65, No. 159 / Wednesday, August 16, 2000 / Presidential Documents

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the *Federal Register* for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

William Clinton

THE WHITE HOUSE,
August 11, 2000.

[R Doc: 00-20938
Filed 8-15-00; 8:45 am]
Billing code 3295-01-P

Appendix C: References / Maps of City LEP Population:

[Maps pending compilation with most recent data]

Appendix 6—Environmental Justice

Environmental Justice

Document any significant population of protected persons are present within the limits of your project. A list of such populations can be found in Section B. If no such populations exist, no environmental justice analysis is necessary; document demographic data showing no such population exists. If such populations exist, identify possibly adverse environmental externalities to those populations. A comprehensive list of externalities can be found in Section A. If no such externalities exist, no environmental justice analysis is necessary. Document the lack of any such externalities. If significant externalities exist, commit to and document outreach to inform affected people about the effects of the project on their community, as well as to gather feedback on the effects of your project on local populations, especially those protected under Title VI. This process can and should be conducted in tandem with other community outreach efforts, and be consistent with the guidelines for conducting effective community outreach. This process should also allow documentation of more accurate and relevant externalities. Develop and document mitigations for the issues are identified to be highly adverse. Ensure that adverse environmental externalities not fully addressed by mitigations do not disproportionately affect populations of protected persons. A useful tool to determining this analysis can be found in Section B.

Section A: Core Affected Populations

	<i>Sub-Groups</i>
<i>Race/Ethnicity</i>	<ul style="list-style-type: none">• Color• National Origin• Citizenship• Tribal Affiliation• Language/Limited English
<i>Age</i>	<ul style="list-style-type: none">• Elderly• Small Children• Health
<i>Disability</i>	<ul style="list-style-type: none">• Wheelchair Access• Hearing• Sight• Cognitive Disabilities• Respiratory• Sleep disorders
<i>Income</i>	<ul style="list-style-type: none">• Family income• Zero vehicle households

Section B: Externalities

<i>Externality</i>	<i>Key Questions</i>	<i>Examples</i>
<i>Transportation</i>	How does your project affect people's ability to get to where they need to go?	<ul style="list-style-type: none"> • Driving times • Road conditions • Parking • Public Transit Accessibility • Pedestrian Access • Bicycle Access • Safety
<i>Acquisitions, Displacements, Relocations</i>	Who will have to move for your project to move forward? How far will they have to move? What is the burden on these people?	<ul style="list-style-type: none"> • Businesses • Residences • Location Accessibility • # of residents/employees displaced
<i>Land Use/Economic Activities</i>	What land are you using? Whose is it? What was it originally used for? What is the effect?	<ul style="list-style-type: none"> • Zoning areas • Level of development • Nearby property values • Access to local businesses
<i>Aesthetics</i>	What effect will your project have on the beauty of the area?	<ul style="list-style-type: none"> • Trees • Shrubbery • Structure shape and design • Natural Light • Noise levels
<i>Air Quality</i>	How would the quality of air be affected by your project?	<ul style="list-style-type: none"> • Smoke • Dust • Federal Air Quality Standards • Emissions from vehicles
<i>Noise and Vibration</i>	What noises and vibrations would your project create? How frequently and long would this noise be? How loud is it? What times of day would these noises occur? Who can hear it? Are there vibration-sensitive facilities affected?	<ul style="list-style-type: none"> • Passing vehicles • Passing population • Residential areas during night • Business areas during day • Seismology Research • Research Laboratories
<i>Ecosystems</i>	What are the local ecosystems? How will they be affected?	<ul style="list-style-type: none"> • Fish passages • Small wildlife • High value habitats • Threatened or Endangered species • Wetlands • Agricultural Lands

<i>Water Resources</i>	How are local water resources affected by your project?	<ul style="list-style-type: none"> • Storm Drains • Streams • Groundwater • Stormwater • Runoff and pollution
<i>Hazardous Materials</i>	Does your project require the use of disposal of hazardous waste? Where and how is it being disposed of?	<ul style="list-style-type: none"> • Asbestos • Garbage • Pesticides
<i>Utilities</i>	How does your project affect the ability of utilities to service local residents and businesses?	<ul style="list-style-type: none"> • Electricity • Water • Natural Gas • Waste Collection • Telecommunications
<i>Public/Private services</i>	How does your project affect access to public and private services?	<ul style="list-style-type: none"> • Police • Fire • Schools • Daycares • Community Centers • Grocery Stores • Places of Worship
<i>Historic, Cultural, and Archaeological</i>	How does your project affect local structures and locations with historic, cultural or archaeological significance?	<ul style="list-style-type: none"> • Monuments • Historic buildings • Statues • Parks • Tribal Lands
<i>Construction</i>	What effects will the construction associated with your project have?	<ul style="list-style-type: none"> • Noise/Vibration • Air Quality • Road closures/Transportation Accessibility

Appendix 7—Title VI Program for FTA Compliance

2020 City of Bellevue Title VI Program for FTA Compliance

Introduction

The City of Bellevue (City) is a Federal Transit Administration sub-grantee to King County. King County Metro contracts with the City to fund commuter incentives, employer programs, and other transportation demand management efforts. The City does not directly provide any transit service.

To meet Title VI program requirements, the City has its own procedures to meet certain requirements such as a complaint process and public participation. In addition to its own compliance measures, the City will rely upon the analysis and overall program efforts conducted by King County Metro to meet requirements, e.g. Limited English Proficiency.

Since the City does not operate any transit service, this plan only addresses the General Reporting Requirements.

General Reporting Requirements

A. Title VI Notice to the Public

The City of Bellevue Title VI Notice to the Public is as follows:

The City of Bellevue hereby gives public notice that it is the City'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, sex, or national origin be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Federal Aid Highway program or other activity for which the City of Bellevue receives Federal Financial assistance.

Any person who believe they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Bellevue. Any such complaint must be in writing and filed with the ADA/Title VI Civil Rights Administrator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained through the City's website (www.bellevuewa.gov) or from the Title VI Coordinator at no cost to the complainant by calling (425) 452-6168.

B. Title VI Complaint Procedures and Form

A Title VI complaint form and instructions for filling out a Title VI complaint can be obtained on the City of Bellevue's website (www.bellevuewa.gov). The City of Bellevue's Title VI Complaint Procedures are available in Appendix 1, and a copy of the City's Title VI complaint form is available in Appendix 2.

C. Title VI Investigations, Complaints, and Lawsuits

The City of Bellevue has had no Title VI complaints related to transit during the past three years.

D. Public Participation Plan

The City of Bellevue fully encourages public involvement and participation in decision-making processes. As part of the King County Department of Transportation work plan for public transit projects, the City adopts the public participation plan of King County Metro Title VI Program Report and will coordinate with King County Metro in public participation efforts related to transit projects being managed by the City of Bellevue.

E. Language Assistance Plan

In addition to its own LEP research and compliance efforts, as a sub-recipient, The City relies upon the limited English proficiency analysis conducted by King County. A comprehensive LEP plan has been developed and will be available as an appendix to the full Title VI plan, as well as online.

LEP compliance research conducted by the City of Bellevue indicates that the most prevalent non-English languages in Bellevue are Spanish and Mandarin Chinese. Additionally, the languages of Spanish, Mandarin Chinese, Russian, Korean, and Vietnamese all meet the federal 'safe harbor' threshold for translating vital documents.

City of Bellevue efforts to ensure language access include Language Line interpretation assistance available free of charge, translation of certain "Vital Documents" including the Title VI complaint form into up to twelve languages, and placing "interpretation available" multi-lingual graphics on documents for public release. For more information on the City of Bellevue's language access compliance efforts, consult the full LEP plan online.

F. Monitoring Sub-recipients

The City has no sub-recipients. It will cooperate with King County Metro in providing information and attending meetings as required by King County Metro in its monitoring procedures of our efforts.

G. Review of Facilities Constructed

The City did not build any storage facilities, maintenance facilities or operations centers and did not modify any facilities that require a Title VI analysis.

H. Documentation of Governing Body Review and Approval of the Title VI Program.

The most recent revision of the City of Bellevue's full Title VI Plan was adopted in August 2016, with an official Policy of Nondiscrimination signed and approved by the City Manager, Transportation Department Director, and the Assistant City Attorney. The documentation of approval for FTA compliance can be found in Appendix 3 and will be included as an appendix in the next update of the City of Bellevue's full Title VI plan.

Appendix 1: Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

A. Overview

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

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

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the ADA/Title VI Civil Rights Administrator. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaint forms are available through the City's website or by contacting a Title VI Coordinator. The City will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the ADA/Title VI Civil Rights Administrator in consultation with the Transportation Department Title VI Coordinator and other City offices, will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint.
3. If the complaint is against the City, the City will request the Washington State Department of Transportation (WSDOT) Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the City, the appropriate Department and/or division shall be notified of the complaint, within 15 calendar days, and the City will determine whether it will investigate the complaint or request WSDOT to conduct the investigation.
4. Once the City decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
5. In cases where the City of Bellevue assumes investigation of the complaint, the City will provide the respondent with the opportunity to respond to the allegations in writing.

The respondent will have ten (10) calendar days upon receipt, to furnish the City with his/her response to the allegations.

6. Within 60 days of receipt of the complaint, the Title VI Coordinator or WSDOT investigator will prepare a written investigative report for the Department Director and City Manager. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. The recommendation shall be reviewed by the City Attorney's office, which may discuss the report and recommendations with the Transportation Department and City Title VI Coordinators and/or other appropriate departmental staff. The report will be modified as needed and finalized for its release to the parties.
8. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and City or WSDOT investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within 60 calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the decision to WSDOT, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. The Title VI Coordinator will maintain an annual Log of Complaints, which will 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

Only qualified and well-trained investigators should conduct these investigations. No agency may investigate a complaint against itself.

Appendix 2: Title VI Complaint Form

(This form has been translated into 12 different languages per LEP guidelines)



Discrimination Complaint Form and Procedures

City of Bellevue Use Only

Received	___/___/___
Response	___/___/___
Report	___/___/___
Briefing	___/___/___

If you believe that you have not been treated equally because of your race, national origin, gender, disability, or other legally protected reason, then you have the right to file a formal complaint with the City of Bellevue.

Instructions: If you would like to submit a Discrimination Complaint to the City of Bellevue, please fill out the form below and send it to: City of Bellevue, Attention ADA/Title VI Civil Rights Administrator, PO Box 90012, Bellevue, WA 98009-9012.

1. Your Name:	2. Phone:	3. Home Address: (Street/PO Box, City State, Zip)												
4. Who do you feel discriminated against you? List their names and any other information you may know about them:		5. Date of alleged incident:												
6. Discrimination because of:														
<table border="0"><tr><td><input type="checkbox"/> Race/color</td><td><input type="checkbox"/> Sex (includes sexual harassment)</td><td><input type="checkbox"/> Vietnam Era Veteran</td></tr><tr><td><input type="checkbox"/> National origin</td><td><input type="checkbox"/> Sexual orientation</td><td><input type="checkbox"/> Disabled Veteran</td></tr><tr><td><input type="checkbox"/> Creed/religion</td><td><input type="checkbox"/> Marital status</td><td><input type="checkbox"/> Retaliation</td></tr><tr><td><input type="checkbox"/> Disability</td><td><input type="checkbox"/> Age</td><td></td></tr></table>			<input type="checkbox"/> Race/color	<input type="checkbox"/> Sex (includes sexual harassment)	<input type="checkbox"/> Vietnam Era Veteran	<input type="checkbox"/> National origin	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Disabled Veteran	<input type="checkbox"/> Creed/religion	<input type="checkbox"/> Marital status	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	
<input type="checkbox"/> Race/color	<input type="checkbox"/> Sex (includes sexual harassment)	<input type="checkbox"/> Vietnam Era Veteran												
<input type="checkbox"/> National origin	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Disabled Veteran												
<input type="checkbox"/> Creed/religion	<input type="checkbox"/> Marital status	<input type="checkbox"/> Retaliation												
<input type="checkbox"/> Disability	<input type="checkbox"/> Age													
7. Explain 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. If you have any other written materials about what happened, please attach them to this form.														

PLEASE COMPLETE PAGE 2 OF THIS FORM

ADDITIONAL INFORMATION

8. Why do you believe these events occurred?

9. How can this issue be resolved to your satisfaction? Please note that this process will not result in the payment of punitive damages or financial compensation.

10. What other information would help us understand what happened? Is there anyone we may contact for additional information? If so, please list their names, phone numbers, addresses, email addresses, etc.

Signature:

Date:

City of Bellevue Discrimination Complaint Procedures

If you believe that you have not been treated equally because of your race, national origin, gender, disability, or other legally protected reason, then you have the right to file a formal complaint with the City of Bellevue.

HOW TO FILE A COMPLAINT

1. Within 180 days of the incident, complete the Title VI Complaint Form. You must answer every question.
2. Submit the complaint as directed on the form. The City will not act on or respond to a complaint made by telephone or in person.

WHAT HAPPENS NEXT

1. The City will receive and review the complaint form to determine if additional information is needed and which agency, if any, should further investigate the claim.
2. The City will notify you and the person(s) you identified as being involved in the alleged discrimination of the status of the complaint and, if needed, the process to resolve it.

Every effort will be made to resolve complaints informally. Resolution may include informal mediation meetings(s) between you and those you allege were involved. These procedures are part of an administrative process that will not result in the payment of punitive damages or other financial compensation.

3. The person(s) you identified as being involved in the alleged discrimination will have 10 days to respond.
4. Within 60 days of when you filed the complaint, the agency investigating the complaint will prepare a report that includes a description of the incident, who was interviewed, findings and recommendations for resolution. The report will be reviewed and finalized by the City Attorney, in consultation with other City staff.
5. 15 days after the investigative report is finalized, the City will schedule meetings with you and the person(s) you alleged were involved in the incident. You will be given a copy of the investigative report and will be notified of your right to appeal the findings.

These procedures do not deny you the right to file a formal complaint with other state or Federal agencies or seek private counsel for complaints alleging discrimination. Intimidation or retaliation against you of any kind is prohibited by law.

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the City of Bellevue, as well as its sub-recipients, consultants, and contractors.

Appendix 3: City Approval of Title VI Program for FTA Compliance

The City of Bellevue assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City sponsored program or activity. The City of Bellevue further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded.

As a recipient of financial assistance from the FTA through its financial agreements with King County, the City of Bellevue is subject to Title VI and its accompanying implementation regulations. King County has requested that the City of Bellevue, as a sub-grantee, comply with this requirement and document their compliance by adopting a Title VI program. The Title VI program previously adopted by the City must therefore be updated to meet the reporting requirements of the FTA.

Assurance of compliance falls under the proper authority of the City Manager's Office pursuant to its budgetary authority and responsibility. The City Manager, Department Director, and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21, and the relevant FTA circular.



City Manager

2/19/20
Date



Director, Transportation Department

2/12/20
Date



Assistant City Attorney

2/12/2020
Date