



City of Castle Rock

PO Box 370
141 A Street SW
Castle Rock, WA 98611
360.274.7478

TITLE VI ANNUAL ACCOMPLISHMENTS & GOALS REPORT

Reporting Period: January 1, 2022 through December 31, 2022

Contact Information

Administrator:
Paul Helenberg, Mayor
PO Box 370
Castle Rock, WA 98611
360.274.8181
phelenberg@gmail.com

Name and title of head of transportation-related services:
David Vorse, Public Works Director
PO Box 370
Castle Rock, WA 98611
360.274.7478, ext. 791
crpwd@ci.castle-rock.wa.us

Name and title of designated Title VI coordinator:
Carie Cuttonaro, Clerk-Treasurer
PO Box 370
Castle Rock, WA 98611
360.274.8181, ext. 303
ccuttonaro@ci.castle-rock.wa.us

Standard Assurances (USDOT1050.2A) are attached.

Accomplishments

1. Have there been any changes to the approved Title VI Plan that have not been reported to OEO? If Yes, please submit an update to the Title VI Plan with a new signature.

The City of Castle Rock has implemented no changes. The City continues to agree to comply with the WSDOT Title VI Plan.

2. Organization, Staffing, Structure – Describe the Title VI Program reporting structure including the Title VI Coordinator, Administrative Head, and transportation-related staff. The list should include name, race, color, and national origin of each individual. Include the same details if your LPA has a volunteer or appointed board related to transportation decision making.

There have been no organization changes since the last reporting period. Please refer to the Organizational Chart: Appendix A.

3. Community Demographics – Using a map of the LPA’s boundaries, describe the demographics of the LPA’s service area (e.g., race, color, national origin, low-income). List, by individual languages, the percent of the population(s) that is limited English proficient.

Current Demographic Data

| Category | Data | Area | Year of Data | Source |
|------------------|--------|-------------|--------------|-------------------------|
| Population | 2,445 | Castle Rock | 2022 | WA State OFM |
| Gender - Males | 50.50% | Castle Rock | 2022 | US States Census Bureau |
| Gender - Females | 50.00% | Castle Rock | 2022 | US States Census Bureau |

| | | | | |
|--------------------|--------|----------------|------|-------------------------|
| Resident Age 0-17 | 28.90% | Cowlitz County | 2022 | US States Census Bureau |
| Resident Age 18-64 | 51.80% | Cowlitz County | 2022 | US States Census Bureau |
| Resident Age 65+ | 19.40% | Cowlitz County | 2022 | US States Census Bureau |

| | | | | |
|---------------------------------|------------|----------------|------|-------------------------|
| Estimated per capita income | \$ 48,232 | Cowlitz County | 2020 | WA State ESD |
| Income at or below poverty line | 12.60% | Cowlitz County | 2022 | US Census Bureau |
| Fair Market Rent - 3 Bedroom | \$ 17,988 | Castle Rock | 2022 | RentData.org |
| Median Single Family Home Value | \$ 380,000 | Cowlitz County | 2022 | NW Multiple Listings |
| Owners | 65.70% | Cowlitz County | 2022 | US States Census Bureau |
| Renters | 34.30% | Cowlitz County | 2022 | US States Census Bureau |

Race Composition

| Category | Data | Area | Year of Data | Source |
|--------------------------------|--------|----------------|--------------|-------------------------|
| White (not Hispanic or Latino) | 82.30% | Cowlitz County | 2022 | US States Census Bureau |
| Black or African American | 1.20% | Cowlitz County | 2022 | US States Census Bureau |
| American Indian, Alaska Native | 2.20% | Cowlitz County | 2022 | US States Census Bureau |
| Asian | 1.70% | Cowlitz County | 2022 | US States Census Bureau |

| Category | Data | Area | Year of Data | Source |
|---|-------|----------------|--------------|-------------------------|
| Native Hawaiian, Other Pacific Islander | 0.50% | Cowlitz County | 2022 | US States Census Bureau |
| Hispanic or Latino | 9.90% | Cowlitz County | 2022 | US States Census Bureau |

Languages Spoken at Home 5 Years & Older

| Category | Data | Area | Year of Data | Source |
|-----------------|-------|-------------|--------------|-------------------------|
| English only | 96.0% | Castle Rock | 2021 | US States Census Bureau |
| Other Languages | 4.00% | Castle Rock | 2021 | US States Census Bureau |

4. Complaints – Provide a copy of the LPA’s Title VI complaint log, including new Title VI complaints received during this reporting period and any still pending. Include the basis of the complaint (race, color, national origin) and describe the disposition (status/outcome).

The City of Castle Rock received no formal or informal complaints during this reporting period.

5. Planning – Describe the transportation planning activities performed this reporting period. Describe the actions taken to promote Title VI compliance regarding transportation planning, including monitoring and review processes, community involvement, their outcome or status. Include examples of community outreach.

Six Rivers Regional Trail System (SRRTS) , Phase 1 (Schedule A) – The SRRTS project was created to plan for the development and management of a public, non-motorized multi-use trail generally following the Interstate 5 corridor that spans Cowlitz County from north to south. The SRRTS Phase 1 Improvements project is the first identified project from this planning document and began construction in October 2021 and was completed in July 2022. The project included NEPA documentation for the proposed improvements. Title VI language was included in the project Invitation to Bid.

TIB Complete Streets (CS), SRRTS, Phase 1 (Schedule B) – The TIB CS project was advertised for construction and paired as part of the SRRTS Phase 1 project, including NEPA documentation. This project was completed in July 2022 as well. Title VI language was included in the project Invitation to Bid.

The SRRTS, Phase 2 Improvements was awarded grant funding and is in the process of executing agreements with the funding agencies. Title VI language will be included in the project documents, including Invitation to Bid, when this project advertises for construction.

Six-Year Transportation Improvement Program – Every year the City updates their Six-Year Transportation Improvement Program (STIP). Project estimates are generated and the projects are ranked and assigned a priority. A public hearing is advertised in the newspaper of record, on the City’s website, City Hall, Castle Rock Library and Unites States Post Office. A public hearing is then held at a City Council meeting to provide an opportunity for the community to comment on the STIP prior to adoption. Adopting the STIP provides the City the opportunity to qualify for various funding programs.

6. Right-of-way actions – Describe activities during this reporting period associated with the purchase, sale, lease/use, or transfer of real property (related to highway transportation/public right-of-way use). Include demographic information of affected populations. For example, the race, color, national origin of affected property/business owners(s)/tenant(s).

No projects required acquisition of right-of-way.

7. Identify right-of-way appraisers and acquisition staff (used during this reporting period) by race, color, national origin.

No right-of-way appraisers and acquisition staff were used during this reporting period.

8. Studies and Plans – Were any transportation studies (including environmental reviews) conducted or transportation plans completed during this reporting period? Identify the data source(s) and provide data summary (Title VI/Environmental Justice Analysis) relative to ethnicity, race, languages spoken, neighborhoods, income levels, physical environments, and/or travel habits. Explain how data was used in these studies/reviews/plans.

None completed for this reporting period.

9. Project Location and Design – Provide a list of construction projects that began during this reporting period. Using a map of the LPAs service area, identify project locations, and a brief description of the projects' benefits/burdens to affected populations. If possible, provide a map that overlays projects with the racial composition of affected neighborhoods.

No construction projects started during this reporting period.

10. Other Public Meetings – List other public meetings held during this reporting period. Identify efforts used to encourage citizen participation at those meetings. Detail dates, times, locations, attendance, and provide examples of outreach materials.

Identify members of the LPA's transportation planning and/or advisory groups by race, color, and national origin

Specify methods used to collect demographic information from the transportation-related public meetings. (Self-identification surveys, notes by staff, etc.) Include summaries of Public Involvement Forms collected at each meeting, listing the demographics of those who attended by meeting.

List any language assistance services requested. For which languages? Who provided the service? In addition, list vital documents translated during the reporting period and identify the languages.

There were no public meetings held during the FY 2021 reporting period. The City of Castle Rock utilizes press releases, electronic posting on the City's website, as well as physical postings at City Hall, Castle Rock Library and United States Post Office locations. Additionally, advertisements are made in the newspaper of record.

Please see Appendix B for an example agenda.

As there were no public meetings held, there were also no requests for any language assistance services, nor were there any vital documents translated during the reporting period.

11. Transportation-related Construction and Consultant Contracts (if applicable) – Briefly describe the process used to advertise and award construction contracts during this reporting period. Include the process for negotiated contracts (e.g., consultants).

Construction Contracts – Projects are advertised twice over a three-week period in the local paper of record (The Daily News) and the Daily Journal of Commerce. A public bid opening is conducted, submitted proposals evaluated for compliance with funding requirements and a recommendation for award to the lowest responsive bidder provided to the funding agencies for concurrence prior to recommending award to the City Council.

Consultant Contracts – Advertisement for engineering services is published in the paper of record requesting Statements of Qualifications from engineering firms. SOQs are reviewed and ranked by the City

and the highest ranked firms are interviewed. The City awards the engineering contract to the firm ranked highest from the interview and enters into contract negotiations with the selected firm.

12. Describe the actions taken to promote construction contractor/consultant compliance with Title VI by construction contractors/consultants, including monitoring and review processes, and their outcomes/status (e.g. what Title VI language was included in contracts and agreements; were contractors and consultants reviewed to ensure compliance; what Title VI responsibilities are explained to contractors and consultants?)

All projects advertised for construction bidding and engineering services include the following language:

The City of Castle Rock, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

This information is reviewed during preconstruction meetings prior to the start of every construction contract. In addition, Construction Contracts follow FHWA requirements and include all federally required documents and language.

13. List construction, right-of-way, and consultant contracts with your LPA/MPO/entity for this report period with dollar value of each. Identify funding sources (federal, state, local, other), and how many were awarded to certified disadvantaged contractors (as a prime contractor/consultant).

| Contract Type | Description/Project | Total | Funding Source | Vendor | DBE |
|----------------------|--|--------------|-----------------------|---------------------|------------|
| Construction | Six Rivers Regional Trail System (SRRTS), Phase 1 (Schedule A) | 187,525 | Federal, Local | Jet Construction | No |
| Consultant | Six Rivers Regional Trail System (SRRTS), Phase 1 (Schedule A&B) | 146,975 | Federal, Local | Gibbs & Olson, Inc. | No |
| Construction | Six Rivers Regional Trail System (SRRTS), Phase 1 (Schedule B) | 12,845 | State, Local | Jet Construction | No |
| Consultant | Six Rivers Regional Trail System (SRRTS), Phase 1 (Schedule B) | 42,000 | State, Local | Gibbs & Olson, Inc. | No |
| Construction | Complete Streets | 116,055 | State, Local | Day Labor | No |
| Consultant | Complete Streets | 29,100 | State, Local | Gibbs & Olson, Inc. | No |
| Consultant | Six Rivers Regional Trail System (SRRTS), Phase 2 | 49,900 | Federal, Local | Gibbs & Olson, Inc. | No |
| Consultant | On-Call Engineering Consulting Services | As Needed | Local | Gibbs & Olson, Inc. | No |

14. Education & Training – Describe actions taken to promote Title VI compliance through education and trainings, including monitoring and review processes, and their outcomes/status.

List Title VI training/webinars your Title VI Coordinator attended this reporting period. Include dates and entity that conducted the training.

When was Title VI internal training provided to staff? Who conducted the training? What was the subject of the training? Provide the job titles and race/color/national origin of attendees.

List other civil rights training conducted locally. Provide dates and a list of participants by job title and Title VI role, if applicable.

The City of Castle Rock staff utilized training available through the WSDOT Federal-aid Essentials for Local Public Agencies website <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=71>.

| Participant | Class | Date |
|-----------------|--------------------------|------------|
| Carie Cuttonaro | Title VI Basics for LPAs | 09/14/2021 |
| David Vorse | Title VI Basics for LPAs | 01/04/2022 |

Title VI Goals for Upcoming Year

What area(s) of Title VI does your agency plan to focus on in the upcoming year? Describe by particular program area what your agency hopes to accomplish. Include any significant problem areas to focus on and plans to address those.

Continuing to focus on the education and training opportunities, building upon training received until all staff are fully educated, trained and begin receiving refreshing opportunities to maintain a high level of knowledge continues to be the goal of the City.

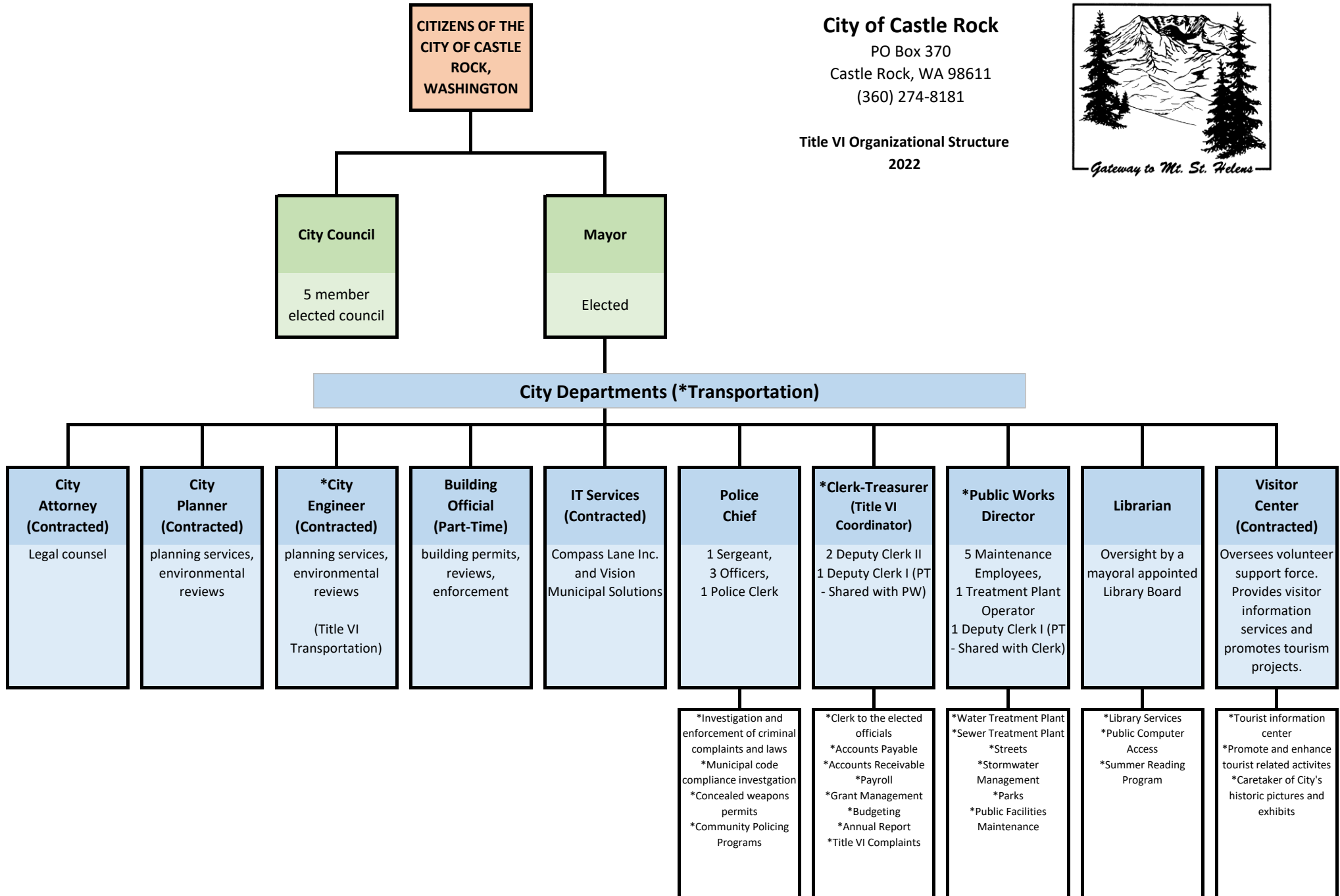
Appendix A

City of Castle Rock

PO Box 370
 Castle Rock, WA 98611
 (360) 274-8181



**Title VI Organizational Structure
 2022**



Appendix B - Example Agenda



CASTLE ROCK CITY COUNCIL AGENDA

Regular Meeting: Monday, January 10, 2022
7:30 PM

Location
Castle Rock Senior Center
222 Second Ave SW
Castle Rock, WA 98611

AGENDA

*The public may join In-person, but must meet social distancing and mask requirements.
In-person attendance will be limited in the Senior Center.
The public may also join virtually via GoToMeeting.*

To join this meeting from your computer, tablet or smartphone: <https://global.gotomeeting.com/join/201632365>

To join this meeting using your phone: [+1 \(646\) 749-3112](tel:+16467493112) Access Code: 201-632-365 (Press *6 to speak)

New to GoToMeeting? Get the app now and be ready: <https://global.gotomeeting.com/install/201632365>

1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call
- c. Changes to Agenda

2. PROCLAMATIONS & PRESENTATIONS

- a. Ruby Hazen Day

3. BUSINESS FROM THE FLOOR/PHONE

4. DEPARTMENT REPORTS

- City Attorney Frank Randolph
- Acting Police Chief Charlie Worley
- Public Works Director Dave Vorse
- City Engineer Tom Gower
- Clerk-Treasurer Carie Cuttonaro

5. COUNCIL AND AD HOC COMMITTEE REPORTS

- Mayor / Mayor Pro-Tempore / Councilmembers
 1. Humane Society 4Q21 Report
 2. 2022 Committee and Departmental Appointments
- CRCDA Representative Nancy Chennault

6. PUBLIC HEARINGS

7. CONSENT AGENDA

- a. Approve the minutes of the December 13, 2021 Regular Council Meeting.
- b. Approve the December 2021 invoices as described in the Fund Transaction Summary Report, in

the amount of \$463,600.05.

8. OLD BUSINESS

- a. Adoption of Amended Salary Schedule for fiscal year 2022.

9. NEW BUSINESS

- a. Confirm appointment of District Court Judges M. Jamie Imboden, Debra L. Burchett, and John A. Hays as part-time judges of the Castle Rock Municipal Court.
- b. Acceptance of Surface Transportation Block Grant Program Award (Transportation Alternative) in the amount of \$373,852 from the Southwest Washington Regional Transportation Planning Organization (SWRTPO). Funds are allocated for the Six Rivers Regional Trail System Phase 2 - SR 411 Improvements Project.
- c. Discussion regarding reduced utility rates for low-income citizens.
- d. Bid Tab Results and Award - Complete Streets Improvements Project

10. OTHER BUSINESS

11. ADJOURNMENT

NEXT REGULAR COUNCIL MEETINGS:

| | | |
|-------------------|--------------------|----------------------------|
| January 24, 2022 | May 23, 2022 | September 26, 2022 |
| February 14, 2022 | June 13, 2022 | September 26, 2022 |
| February 28, 2022 | June 27, 2022 | October 10, 2022 |
| March 14, 2022 | July 11, 2022 | October 24, 2022 |
| March 28, 2022 | July 25, 2022 | November 14, 2022 |
| April 11, 2022 | August 8, 2022 | November 28, 2022 |
| April 25, 2022 | August 22, 2022 | December 12, 2022 |
| May 9, 2022 | September 12, 2022 | Tuesday, December 27, 2022 |

Non-Discrimination Statement: This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at https://www.ascr.usda.gov/sites/default/files/Complain_combined_6_8_12_508_0.pdf or at any USDA office, or call 866.632.9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Stop 9410, Washington, DC 20250-9410 or email to program.intake@usda.gov or by fax (202) 690-7442.

Title VI: The City of Castle Rock ensures compliance with Title VI of the Civil Rights Act of 1964 and American Disabilities Act of 1990 by prohibiting discrimination against any person on the basis of race, color, national origin, sex or disabilities in the provision of benefits and services from its federal assisted programs and activities. If you need special accommodations to participate in this meeting, please contact Carie Cuttonaro at 360.274.8181 by 9:00 a.m. three days prior to the meeting. City Council may add and take action on other items not listed on this Agenda.

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

Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

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

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

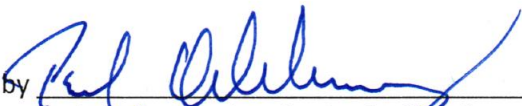
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting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

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

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

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

City of Castle Rock
(Name of Recipient)

by 

(Signature of Authorized Official)

DATED 1/23/2023

APPENDIX A

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

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

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

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

APPENDIX C

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

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

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

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

APPENDIX D

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

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

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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