



TITLE VI ACCOMPLISHMENTS & GOALS REPORT

This outline is for LPA and other governmental entities to report Title VI activities that occurred over the past year and report Title VI goals for the upcoming year. Reports must be returned on or before due date to meet eligibility requirements for federal funding. Send to TitleVI@WSDOT.wa.gov

DUE DATES: Refer to Section 28.3 for scheduled reporting period and due date

Contact Information

Name and title of administrator (signature on Standard Assurances): Mary Lou Pauly, Mayor

Mailing Address: PO Box 1307

City: Issaquah WA Zip Code: 98027 County: King

Phone #: 425-837-3000 email address: mayor@issaquahwa.gov

Name and title of head of transportation-related services: John Mortenson, Transportation Engineering Manager

Mailing Address: PO Box 1307

City: Issaquah WA Zip Code: 98027 County: King

Phone #: 425-837-3427 email address: johnm@issaquahwa.gov

Name and title of designated Title VI coordinator*: Stephanie Johnson, Human Resources Director

Mailing Address: PO Box 1307

City: Issaquah WA Zip Code: 98027 County: King

Phone #: 425-837-3000 email address: stephaniej@issaquahwa.gov

*When the Title VI coordinator changes, notify TitleVI@WSDOT.wa.gov within 30 days.

To comply with Title VI requirements, each annual report submission must include signed Standard Assurances (USDOT1050.2A).

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.

No.

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.

- *Our Administrative Head is our Mayor, Mary Lou Pauly (white, Canadian origin).*

- *Our Transportation Head is John Mortenson (white, US origin).*
- *Our Title VI Coordinator is Stephanie Johnson (white, German/US origin).*

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.

Please see the list attached as Exhibit A.

According to the 2020 Census, the population of Issaquah is 40,069 and growing at a rate of 0.70% annually. The population is 65.69% White, 23.15% Asian, 5.31% two or more races 3.62% other race, 2.11% Black or African American, .11% American Indian and Alaska Native and primarily consist of 73.75% native born, 35.17% born in Issaquah, 26.25% are foreign born, 14.25% are non-citizen and 11.99% are naturalized. The average household income in Issaquah is \$137,332 with a poverty rate of 7.77%. The median rental costs in recent years comes to \$1,982 per month, and the median house value is \$642,300. The race most likely to be in poverty in Issaquah is Other, with 40.84% below the poverty level and second race is Hispanic 32.03% below the poverty level. The race least likely to be in poverty in Issaquah is White, with 4.27% below the poverty level. Most Issaquah residents speak only English 69.49%, while 30.51% speak other languages. The non-English language spoken by the largest group is Asian and Pacific Island languages, which is spoken by 13.53% of the population, 8.5% Other-Indo European Languages and 7.4 % speak Spanish. Overall, 13% of non-English speaking Households in Issaquah have limited English proficiency. Of the total Asian and Pacific Island languages speaking households in Issaquah, 20% have limited English proficiency, of the total Spanish speaking households in Issaquah, 14% have limited English proficiency and of the total Indo-European languages speaking households in Issaquah, 3% have limited English proficiency. Spanish speaking households located in 98029 area are more likely to have limited English proficiency while Asian and Pacific Island languages and Indo-European languages speaking households located in 98027 area are more like to have limited English proficiency.

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 received no complaints from January 1, 2020 – March 31, 2021. Please see the annual complaint logs attached as Exhibit B.

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.

In 2019 and 2020, the City worked with the City's Transportation Advisory Board and community groups with the development of the City's first Mobility Master Plan. The development of new policies and plans for short-term actions have been reviewed and approved by the City's Transportation Advisory Board and City Council. This work also included discussions on accessibility priorities related to Title VI and the inclusion of access in decision-making making criteria for transportation projects. Community feedback that supported this process included in-person and online meetings with multiple City advisory boards and commissions, focus group interviews and community surveys.

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).

There were no right-of-way actions in this reporting period.

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

There were no right-of-way actions in this reporting period. No appraisers or acquisition staff were used in 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.

There were no transportation studies or plans in 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.

Newport Way Landslide – Benefit to affected populations removed landslide blocking Newport Way. No burden was identified.

Gilman Pedestrian Bridge Rail Replacement – Benefit to affected populations by replacing safety rail on pedestrian bridge. No burden was identified.

Black Nugget Road Wall Maintenance – Benefit to affected populations by maintaining retaining wall next to sidewalk and transit route. No burden was identified.

SE 43rd Way Signal – Benefit to 55 and older population by constructing traffic signal at intersection with large 55 and older community. No burden was identified.

Please see the map attached as Exhibit C. The demographics are included above in question 3.

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.

Mobility Master Plan Meetings:

- *TAB meetings – Monthly in 2020*
- *City Council – September 8 2020 – review / December 2, 2020 – adoption into Comp Plan*
- *Community survey – June 2020*
- *Additional Boards and Commissions meetings*
 - *Planning Policy Commission , June 2020, August 13, 2020, September 10 2020*
 - *Youth Advisory Board February 2020*
 - *Parks Board – March 2020*

Transportation Project Meetings:

- *February 12, 2020 – We held an open house for the Olde Town neighborhood. Outreach included door hangers for the residents of the neighborhood and social media event notice.*
- *February 2, 2021 – We held a virtual open house for the Olde Town neighborhood. Residents were notified via social media*
- *February 9, 2021 - We held a council study session after the neighborhood meeting.*

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

- *Male – 5*
- *Female – 6*
- *White – 4*
- *Asian decent– 2*
- *Two or more races - 5*

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.

We plan to implement new methods to collect demographic details for attendees at public meetings in 2021.

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.

The City of Issaquah provides language access and outreach services to community members whose English is not their first language. During the COVID-19 emergency, specific outreach was provided to the Spanish speaking community, in Spanish, with focus on connecting community members with social services, as well as coordinating vaccination clinics.

To increase language access across all City departments, the City expanded the Language Line service, a phone based resource that provides translation and interpretation services in over 240 languages. To complement the Language Line service, a cultural and language access awareness City-wide training is currently in process of being developed. The goal of the training is to assist staff in responding to the community needs in a culturally sensitive and effective manner.

Translation of documents focused on resources for COVID related assistance programs, as well as translations regarding vaccinations.

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).

- *For construction project public bids, we award to the lowest responsive bid as required by law. We include the following language regarding Title VI in the bid ad: “The City of Issaquah in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 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 advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 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, national origin, or sex in consideration for an award.”
For small public works contracts we use the Public Purchase shared procurement portal.*
- *Consultant contracts are ranked based solely on their experience to do the required work. See Exhibit D, which is used for the typical consultant process.*

We follow our financial management policy and use a contract or agreement checklist to ensure we verify all vendors and collect all necessary documentation.

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?)

In this reporting period, the City made sure the Title VI language was in bid advertisements and federally funded agreements. The City’s webpages for City transportation projects can be translated to different languages.

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).

Please see the list attached as Exhibit E.

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.

Stephanie Johnson - Title VI Basics for LPA's, WSDOT, Completed August 14, 2021

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.

Our Title VI Coordinator has instructed the Human Resource Department, Title VI Team and Equity Team to complete the Title VI Basics for LPA's course by December 31, 2021. We will be including City-wide Title VI training in the workplan for 2022.

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

Multiple trainings were offered to staff in the reporting period that include elements of Title VI. See the list attached as Exhibit F.

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.

Our agency plans to focus on improving how we incorporate Title VI into our workplan. We identified training as an area that needs improvement. We plan to implement internal Title VI training opportunities city-wide in 2022. We have also identified methods of collecting demographics as an area of improvement. We will be working to develop better methods for meeting attendees to provide demographic data.

City of Issaquah Limited English Proficiency Households by Zip Code

	98027	98029	Total
Total households	11945	11271	23216
English only speaking households	9269	7238	16507
Spanish Speaking households	587	468	1055
Spanish: Limited English-speaking household	55	90	145
% of Spanish Speaking Households with limited English Speaking	9%	19%	14%
Other Indo-European languages households	753	1262	2015
Other Indo-European languages: Limited English speaking households	43	21	64
% of Indo-European languages: Speaking Households with limited English Speaking	6%	2%	3%
Asian and Pacific Island languages households	1314	2153	3467
Asian and Pacific Island languages: Limited English speaking households	391	296	687
% of Asian and Pacific Island languages Speaking Households with limited English Speaking	30%	14%	20%

Overall Findings:

- Of the total Asian and Pacific Island languages speaking households in Issaquah, 20% have limited English proficiency.
- Of the total Spanish speaking households in Issaquah, 14% have limited English proficiency.
- Of the total Other Indo-European languages speaking households in Issaquah, 3% have limited English proficiency.
- Overall, 13% of non-English speaking Households in Issaquah have limited English proficiency.

Findings by Zip Code:

- Spanish speaking households located in 98029 area are more likely to have limited English proficiency.
- Asian and Pacific Island languages households located in 98027 area are more like to have limited English proficiency.
- Indo-European languages speaking households located in 98027 are more likely to have limited English proficiency.

Resources:

United States Census Bureau 2018

<https://data.census.gov/cedsci/table?text=C16002&g=8600000US98027,98029,98075&tid=ACSDT5Y2018.C16002&hidePreview=true&moe=false>

Language Classification

<https://www.census.gov/topics/population/language-use/about.html>

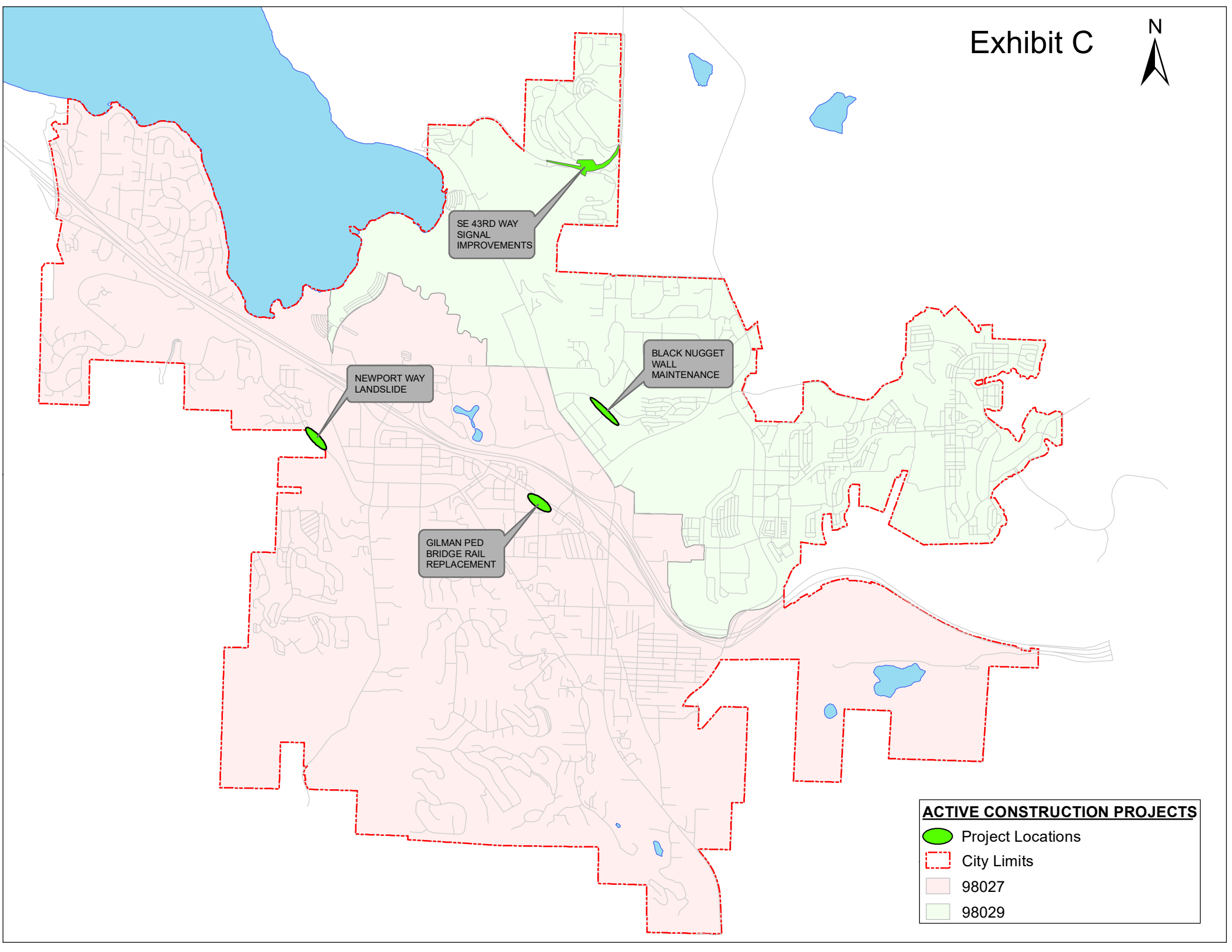


Exhibit D

SE 43rd Way Contract for CM Services	KBA	HDR	Exeltech	Perteet	Parametrix
Relevant Project Experience	7	4	7	8	6
Ability to keep project on schedule and within Budget	9	7	7	7	8
Knowledge of City's Construction Processes	9	8	4	8	4
Knowledge of City's Street Standards	9	7	3	9	3
Total	34	26	21	32	21

Exhibit B

Contract Type	Description	Dollar Value	Funding Source	Vendor	DBE?
Consultant	NEWPORT WAY SR900-54TH DESIGN	\$ 2,785,268.79	Federal, Local	KPG(2452)	No
Consultant	Updating Issaquah Street Standards	\$ 30,000.00	Local	MIG-SVR(3679)	No
Consultant	Gilman Blvd. Improvements - Phase 2	\$ 472,111.00	Local	MIG-SVR(3679)	No
Consultant	SE 62ND ST CONSTRUCTION MANAGEMENT	\$ 3,128,350.00	State, Local	KBA, INC.(1281)	No
Consultant	SE 43RD WAY/PROV. PT. INTERSECTION FINAL DESIGN	\$ 247,084.00	Local	PERTEET, INC.(2615)	No
Consultant	ENGINEERING DESIGN FOR WSDOT PE PHASE	\$ 2,592,238.00	Federal, Local	PERTEET, INC.(2615)	No
Consultant	SAMMAMISH STATE PARK TRAFFIC ANALYSIS	\$ 150,000.00	State, Local	CH2M HILL INC(2608)	No
Consultant	As-needed surveying services	\$ 50,000.00	Local	EASTSIDE CONSULTANTS, INC.(1207)	No
Consultant	As-needed Traffic Count Services	\$ 50,000.00	Local	TRAFFIC COUNT CONSULTANTS, INC(2727)	Yes
Consultant	As-Needed Environmental Services	\$ 50,000.00	Local	ENVIRONMENTAL SCIENCE ASSOC.(1439)	No
Consultant	Master Mobility Plan Consultant Prof Serv Contract	\$ 191,987.00	Local	FEHR & PEERS(3467)	No
Consultant	SE 43rd Geotech Professional Service Contract	\$ 32,500.00	Local	ZIPPER GEO ASSOCIATES, LLC(3011)	No
Consultant	Transportation Policy and Standards Updates	\$ 99,426.00	Local	FEHR & PEERS(3467)	No
Consultant	As-Needed Geotech Services	\$ 50,000.00	Local	ZIPPER GEO ASSOCIATES, LLC(3011)	No
Construction	Gilman Ped Bridge Rail Replacement Project	\$ 69,500.00	Local	WESTERLUND EXCAVATION LLC(1511)	No
Consultant	SE 66th Street Scour Analysis	\$ 26,736.00	Local	DAVID EVANS & ASSOCIATES INC(2849)	No
Consultant	As-Needed Survey Services	\$ 50,000.00	Local	AXIS SURVEYING & MAPPING(1756)	No
Consultant	Newport Way Landslide	\$ 75,000.00	Federal, Local	GOLDER ASSOCIATES INC(1408)	No
Consultant	SE 43rd Way Signal Improvements	\$ 1,154,092.00	Local	KBA, INC.(1281)	No
Construction	SE 43RD Way Intersection Improvements	\$ 6,156,644.01	Local	RODARTE CONSTRUCTION, INC.(2903)	No
Consultant	Outreach For Schoolpool Programming	\$ 16,200.00	Local	WILDER ENVIRONMENTAL CONSULTING(1289)	No
Consultant	Salmon Friendly Trips TDM Multifamily Outreach	\$ 85,000.00	Local	CASCADIA CONSULTING(2920)	Yes
Consultant	12th Ave NW-SR 900/17th Ave NW Improvement Project	\$ 783,588.26	State, Local	HDR ENGINEERING INC(2384)	No
Consultant	E LK Samm Pkwy & SE 43rd Way RAB	\$ 92,818.07	Local	KPG(2452)	No
Construction	SE 43rd Way Signal Improvements_ Utility Work	\$ 165,560.22	Local	CENTURYLINK(2750)	No
Construction	Tree Removal_ Newport Landslide	\$ 15,545.20	Federal	ASPLUNDH TREE EXPERT LLC(4335)	No
Construction	Black Nugget Wall	\$ 50,000.00	Local	WESTERLUND EXCAVATION LLC(1511)	No
Construction	Facility Relocation Agreement	\$ 48,677.11	Local	PUGET SOUND ENERGY(2637)	No
Consultant	FEMA grant assistance	\$ 12,000.00	Local	EPONA ENGINEERING, LLC(4486)	No
Consultant	TMP Planning-Level Cost Estimates	\$ 29,845.00	Local	FEHR & PEERS(3467)	No
Consultant	Newport Way NW Landslide Stabilization Project	\$ 135,790.28	Federal, Local	KPG(2452)	No
Consultant	NEWPORT WAY RAISED INTERSECTION & PED BRIDGE	\$ 139,090.91	Local	KPG(2452)	No
Consultant	On-Call Engineering Consulting Services	\$ 25,000.00	Local	EASTSIDE CONSULTANTS, INC.(1207)	No
Consultant	As-Needed Traffic Study Services	\$ 25,000.00	Local	DKS ASSOCIATES, INC. (4008)	No

1. [The Police Accountability, Human Services and Equity action plan](#) was adopted August 10, 2020 (Agenda Bill 7999). As the plan states, Mayor Mary Lou Pauly and the Issaquah City Council are dedicated to fostering a safe, vibrant, livable, and inclusive community through effective stewardship and quality public services. This Action Plan is our commitment to moving the City of Issaquah forward in providing greater police accountability, equity in all our services and human services programs that better serve our community. Each of the plan's actions are focused on transparency, public trust, accountability, partnerships and equity.
2. Selection of Chanin Kelly-Rae as an Equity Consultant

“My superpower is building leaner, more effective organizations.”

Chanin Kelly-Rae is the Founder and CEO of Chanin Kelly-Rae Consulting, a Diversity Management firm that specializes in Organizational Equity Needs Assessments & Strategic Planning, Meeting Facilitation, Training and Learning Experiences, Policy Development, Speaking and Executive Coaching. “Build Nothing for Them, Without Them” is her guiding philosophy when bridging gaps and conducting life changing work in organizations across the world.

Founded in 2001, she has helped leaders and stakeholders deliver on their commitment to maintain diverse, inclusive, and equitable spaces. The goal is to identify the divide between leadership intent vs decision making impact and find solutions where people feel trusted, valued and respected. Success is both quantitatively and qualitatively measured.

Finally, there is shared ownership across all business verticals impacting internal and external progress relative to people, processes and profits. Service is a family tradition and philanthropy is a way of life thanks to her enterprising parents who taught her the value of bringing everyone to the table. Today, as a Diversity and Inclusion (D&I) practitioner with more than 20 years of experience, Chanin is a respected and highly sought-after expert in her field.

3. Traliant – Quahncile excerpt from January 29, 2021:

Traliant Equity Training: Coming Soon!

Next week the Equity Team will be rolling out several short online trainings to staff via in order to continue thought and conversation around race and equity in the City. There will be three online trainings in total, covering Unconscious Bias, Workplace Diversity, Inclusion and Racial Sensitivity, and Microaggressions in the Workplace. Stay tuned for more information!

Questions? [Contact Human Resources](#)

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

Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

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

"The City of Issaquah, 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, the City of Issaquah 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 **Washington State Department of Transportation** 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 **Washington State Department of Transportation**. You must keep records, reports, and submit the material for review upon request to **Washington State Department of Transportation**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

City of Issaquah

(Name of Recipient)

DocuSigned by:
by Mary Lou Pauly
(Signature of Authorized Official)

DATED 9/15/2021

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Issaquah 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 Issaquah, its successors and assigns.

The City of Issaquah, 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 Issaquah 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 the City of Issaquah pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Issaquah 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 Issaquah 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 Issaquah and its assigns.*

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

APPENDIX D

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

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

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