



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

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**Washington Utilities and Transportation Commission
Transportation Safety Program
Title VI Program Policy**

Policy Statement:

The Washington Utilities and Transportation Commission (UTC) is committed to complying with 49 CFR Part 21 and 49 CFR Part 303. The provisions of this Title VI plan apply to all recipients of Federal assistance with and through the WSP. A recipient includes any public and private entity or any individual receiving the benefits of any Federal Motor Carrier Safety Administration program. The Title VI program applies to all UTC operations.

No person shall be discriminated against in regards to UTC activities and services because of race, national origin, color, sex, age, disability, low-income, or limited English proficiency (LEP).

The UTC has designated the Human Resources Manager as the Title VI Program Coordinator/Affirmative Action Officer.

The attached FMCSA Title VI Program Assurance form will be completed and signed by the UTC Executive Director when submitting FMCSA grant applications.

The Title VI Program Coordinator and UTC Assistant Director/Directors will have the authority and responsibility to effectively implement the Agency's Title VI Program.

Executive Director/Secretary, Jeff Killip

Date

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Utilities and Transportation Commission (UTC) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. Part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 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.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more

information and facts about Environmental Justice:

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>;

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, national origin, sex, age, disability, low-income, or LEP 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 FMCSA.”

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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **MCSAP 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 FMCSA Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Washington Utilities and Transportation Commission, 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP 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 Washington Utilities and Transportation Commission 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 **FMCSA** 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 **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, 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 Washington Utilities and Transportation Commission 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 Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on Washington, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Washington Utilities and Transportation Commission
(Name of Recipient)

by _____
Executive Director/Secretary, Jeff Killip

DATED _____

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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, 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, national origin, sex, age, disability, income-level, or LEP.
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 FMCSA 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 FMCSA, 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 FMCSA 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 FMCSA 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.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the (***Title of Recipient***) will accept title to the lands and maintain the project constructed thereon in accordance with (***Name of Appropriate Legislative Authority***), the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 (***Title of Recipient***) all the right, title and interest of the 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 (***Title of Recipient***) 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 (***Title of Recipient***), its successors and assigns.

The (***Title of Recipient***), 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, national origin, sex, age, disability, income-level, or LEP 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 (***Title of Recipient***) 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 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 effectuate the purpose of Title VI.)

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

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (**Title of Recipient**) 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 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, national origin, sex, age, disability, income-level, or LEP 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, (**Title of Recipient**) 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 (**Title of Recipient**) 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 (**Title of Recipient**) and its assigns.*

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

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

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by ***(Title of Recipient)*** 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, national origin, sex, age, disability, income-level, or LEP 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, national origin, sex, age, disability, income-level, or LEP 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, ***(Title of Recipient)*** 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, ***(Title of Recipient)*** will there upon revert to and vest in and become the absolute property of ***(Title of Recipient)*** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate 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:

- 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), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- 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, (102 Stat. 28.), (“....*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

Description of Federal Aid Programs

Washington Utilities and Transportation Commission (UTC) applies for federal funding as a sub-recipient of the Washington State Patrol (WSP) Commercial Vehicle Enforcement Bureau's annual application to receive funds from the USDOT Federal Motor Carrier Safety Administration (FMCSA). WSP is the lead MCSAP agency for Washington State.

Additionally, UTC applied for funding under the USDOT FMCSA High Priority Program-Commercial Motor Vehicle grant opportunity FM-MHP-19-001, with applications due April 16, 2019.

Funds provided to UTC by FMCSA under the WSP grant are used for commercial vehicle safety activities for both property and passenger carriers. These activities include:

- Vehicle inspections
- Safety audits and investigations
- Crash investigations
- Education and awareness projects

Funds provided to UTC by FMCSA for the High Program grant will be used to increase public awareness and education about CMV safety in the following ways:

- Establish a series of Webinar training modules, using knowledge management software, for CMV new entrants and existing carriers.
- Allow applicants and current CMV carriers the ability to access information related to CMV safety through UTC's website on the Transportation Safety web page.
- Allow applicants and current CMV carriers the ability to access, download, and use forms related to CMV safety.

UTC's activities enhance the safety for all motorists traveling through and within the state, including minority groups.

Notification to Beneficiaries/Participants

UTC notified beneficiaries and participants in its safety program through:

- its website at: <https://www.utc.wa.gov/public-safety/transportation-safety>
- Posting in the lobby at the Commission's headquarters

The website and facility notice contains the following message:

Public Notice of Title VI Program Rights

The Washington Utilities and Transportation Commission gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States

of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding Washington Utilities and Transportation Commission's Title VI Program can contact its Title VI Coordinator at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Washington Utilities and Transportation Commission
Attn: Title VI Coordinator, Human Resources Director/designee
621 Woodland Square Loop SE
Lacey, WA 98503
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1243 or (360) 764-0762
HumanResources@utc.wa.gov

Sub-Recipient Compliance Reports

UTC is not, nor does it plan to, provide Federal funding to another entity.

Training

For every newly hired individual, UTC provides a new employee orientation program. The program includes a review of UTC's Title VI Program Policy Statement (see Policy 1.4: Discrimination/Harassment Complaint Resolution, under "Complaint Disposition Process" below).

In addition, every employee is required to take a Washington state-sponsored class, as follows:

Sexual Harassment Awareness, Diversity & Ethics: Attendees will learn how sexual harassment impacts the workplace, including the victim, harasser, co-workers, customers, and the public. In addition, this course will inform attendees on the topic of diversity and the importance of respecting all people with whom attendees interact, regardless of differences. Upon completion of this course, attendees should be able to:

- Recognize behavior that constitutes sexual harassment and behavior that doesn't.

- Identify resources that are available.
- Demonstrate techniques that can be used to prevent sexual harassment.
- Understand the importance and meaning of diversity.
- Practice behaviors necessary to promote positive results from diverse perspectives.
- Identify and be aware of behaviors and language that stereotype.

All Motor Carrier staff will complete Title VI Program training by September 30 of each year. The Title VI Program training PowerPoint is located on the Motor Carrier Safety SharePoint site, also where the training verification form will be located.

Access to Records

The Title VI coordinator, or his/her designee, will maintain records of Title VI complaints and related documentation. This includes:

- The originally filed complaint.
- Correspondence to and from the complainant.
- All investigatory documents prepared by, or received by, UTC.
- Any and all other documents related to the complaint.

These documents will be made available to FMCSA upon request for compliance reviews, complaint investigations conducted by FMCSA, or as otherwise required by FMCSA.

Complaint Disposition Process

UTC has a written policy and process on receiving and resolving Title VI complaints. The policy reads, in relevant part:

Policy 1.4: Discrimination/Harassment Complaint Resolution

It is the policy of the commission to provide equal opportunity in all aspects of service delivery and employment. Accordingly, complaints alleging discrimination and/or harassment on the basis of race; color; creed; national origin; sex; marital status; religion; age; sexual orientation, including gender identity; the presence of any sensory, mental, or physical disability; genetic information; or veteran/military status, will receive prompt and effective treatment. This process will address complaints alleging discrimination and violation of:

- Titles VI and VII of the Civil Rights Act of 1964, as amended ...

Complaints should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, and the location, date, and description of the alleged incident. Alternative means of filing complaints

will be made available for persons with disabilities, upon request.

The complainant or their designee should submit the complaint as soon as possible after the alleged incident. Alternative means of filing complaints will be made available for persons with disabilities, upon request.

The complainant or their designee should submit the complaint as soon as possible after the alleged violation to the Human Resources manager at the following address and phone number:

Washington Utilities and Transportation Commission
Attn: Title VI Coordinator, Human Resources Director/designee
621 Woodland Square Loop SE
Lacey, WA 98503
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1243 or (360) 764-0762
HumanResources@utc.wa.gov

The complaint will be acknowledged within two (2) working days of receipt. The acknowledgement will identify a point of contact and provide reasonable time frames for a further response to the complainant. Complaints will be reviewed and investigated within 21-days of receipt. A written finding will be documented and provided to the complainant. Substantiated complaints will be addressed appropriately. Complainants will be notified that the complaint, in no way, precludes an individual's right to file a simultaneous complaint with the Human Rights Commission or the Federal Equal Employment Opportunity Commission.

Complainants who are dissatisfied with the response may forward it to the executive secretary of the commission within five (5) working days of receipt of a written response from the human resource manager. The executive secretary will meet with the complainant in an attempt to resolve the complaint. A written response to the complainant will be provided within ten (10) working days of this meeting.

UTC Human Resource Division is responsible for maintaining a Title VI Program Complaint Log (that contains the information required in the FMCSA Title VI Program Checklist).

Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

This section does not apply to UTC. UTC has not been subject to a Title VI Program Compliance Review to date.

Community Participation Process

This section does not apply to UTC. UTC does not provide or conduct motorist licensure or motor vehicle registration services or activities.

Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies

UTC's Motor Carrier Safety section performs commercial vehicle inspections and has an established selection policy which references Commercial Vehicle Safety Alliance's Operational Policy #13.¹

UTC is committed to the unbiased and equitable treatment of all persons in enforcing laws, rules, and regulations. Employees conducting motor vehicle enforcement, including CMV inspections, will uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the Federal Motor Carrier Safety Administration Title VI Program Assurance signed by UTC Executive Director.

These commitments require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any UTC program or activity based on race, color, national origin, sex, age, disability, income level, or limited English proficiency.

¹ Appendix F

Public Notice of Title VI Program Rights

The Washington Utilities and Transportation Commission gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding Washington Utilities and Transportation Commission's Title VI Program can contact its Title VI Coordinator at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Washington Utilities and Transportation Commission
Attn: Title VI Coordinator, Human Resources Director/designee
621 Woodland Square Loop SE
Lacey, WA 98503
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1243 or (360) 764-0762
HumanResources@utc.wa.gov

Effective Date: June 1, 2021

Cancels: N/A

POLICY



POL-003MC COMMERCIAL MOTOR VEHICLE INSPECTION SELECTION/UNBIASED ENFORCEMENT POLICY

Motor Carrier Safety Section (MCS) personnel are committed to enhancing public safety through the consistent and objective enforcement of laws, rules and regulations relating to commercial motor vehicles (CMV). This policy establishes uniform guidelines for the selection of CMVs for inspection.

1. Commercial Vehicle Inspection

MCS employees are authorized under Title 81 of the Revised Code of Washington to inspect the records, facilities, and equipment and to investigate the cause and circumstances surrounding any accident or incident of any transportation company operating in Washington State.

Commercial vehicle inspections will be conducted only by Commercial Vehicle Safety Alliance (CVSA) certified inspectors utilizing the North American Standard inspection procedures.

2. CMV Selection Criteria at Ports of Entry and Destination Checks

In determining the criteria for selecting CMVs for inspections, MCS reviewed CVSA's Operational Policy 13 and considered the guidelines in identifying which vehicles to inspect.¹

- a. Priority CMV inspections will take precedence when there is an observed driver or vehicle violation of safety regulations.
- b. When CMV traffic patterns are minimal, CMVs with no valid CVSA decal may be selected for inspection.
- c. Vehicles displaying a current CVSA decal generally will not be subject to re-inspection unless an equipment violation is observed.
- d. Motor Carriers regulated by the Washington Utilities and Transportation Commission (UTC) take priority over general common carriers.
- e. Consistent with Operations Policy 13, MCS personnel shall not interrupt any driver of a CMV in an off-duty or sleeper berth status when the CMV is legally parked for the sole purpose of conducting a random inspection.

3. Documenting Inspections

All inspections will be documented through the SAFESPECT inspection program.

If SAFESPECT is not available, CVSA inspections are to be documented on the handwritten Driver-Vehicle Examination Report.²

¹ Appendix A

² Appendix B

Effective Date: June 1, 2021

Cancels: N/A

POLICY



4. Unbiased Enforcement

- a. Motor Carrier Safety is committed to the unbiased and equitable treatment of all persons in enforcing laws, rules, and regulations. Employees conducting motor vehicle enforcement, including CMV inspections, will uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the Federal Motor Carrier Safety Administration Title VI Program Assurance signed by the Washington Utilities and Transportation Commission (UTC) Executive Director.
- b. These commitments require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any UTC program or activity based on race, color, national origin, sex, age, disability, income level, or limited English proficiency.
- c. UTC adopted a Public Notice of Compliance with Title VI Program Rights that informs the public of the agency's Title VI program assurances and responsibilities. This public notice is posted for public access in the UTC's headquarters lobby located at:

621 Woodland Square Loop SE

Lacey, WA 98503

and

online at: <https://www.utc.wa.gov/public-safety/transportation-safety>

- d. Title VI Monitoring - UTC must ensure that its programs and activities are operated in a nondiscriminatory manner. As part of UTC's Title VI internal monitoring programs, CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct any deficiencies found to exist.
- e. Periodic Training – All Motor Carrier staff will complete Title VI Program training by September 30 of each year. This Title VI Program training PowerPoint is located on the Motor Carrier Safety SharePoint site, also where the training verification documents are located.
- f. Complaints Disposition – The UTC has a written policy and process for receiving and resolving Title VI related complaints. These complaints will be investigated by the UTC's Title VI Program Coordinator as detailed in the agency's Title VI /Non-Discrimination Assurances.



Operational Policy

North American Standard Inspection Program

Operational Policy 13

Selecting Vehicles for Inspection

Revised: Sept. 27, 2018

The Alliance recognizes that among its members, there are varying degrees of authority designating how member jurisdictions select vehicles for inspection. Consequently, there is no single CVSA policy recommending a selection method for all jurisdictions. Therefore, to maintain international program integrity, CVSA jurisdictions are encouraged to actively review their policies that govern when and how vehicles should be selected for an inspection and ensure that those policies remain current, valid and consistent with national/international program objectives.

In the process of reviewing inspection selection policies, individual jurisdictions should consider the following concepts. This list is not exhaustive, nor is it meant to be a set of minimum criteria that a jurisdiction must adopt as its inspection selection policy. Rather, it is a set of guidelines that should be used to provide assistance to member jurisdictions when reviewing and updating inspection selection policies.

The following items should be considered when reviewing and adopting inspection selection policies in individual jurisdictions:

1. The consistent use of standardized electronic vehicle screening systems such as ISS, Query Central, and CVISN.
2. The consistent use of methods to identify companies for inspection based on insufficient data.
3. The importance and continued integrity of the jurisdiction's authority to conduct inspections, specifically the jurisdictions compliance with legal/regulatory considerations that govern the stopping and holding of vehicles and drivers.
4. The significance of the inspection as evidentiary documentation of violations, or the lack thereof, as identified during the inspection process.
5. In the specific case of Level V inspections, the fact that inspections should only be done on vehicles on the "ready line awaiting dispatch" or "vehicles not slated for maintenance."
6. The lead member jurisdiction's authority to mandate specific minimum requirements for partner agencies in regard to inspection selection policies to ensure a uniform selection process within that jurisdiction.
7. Internal business processes or procedures that ensure that inspectors, and/or sister jurisdictions, are compliant with inspection selection policies, including training and penalties/disciplinary measures for non-compliance.
8. The importance of the processes by which data is collected.
9. A consistent and uniform inspection selection process and the analysis and understanding of how such processes impact end uses of data.
10. The importance of distinguishing between the "screening process" related to observed conditions that trigger inspections and the performance of the inspection itself.
11. Certified inspectors shall not disturb/interrupt any driver of a commercial motor vehicle in off-duty or sleeper berth status when legally parked for the purpose of conducting a random inspection.

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**Appendix B
Driver-Vehicle Examination Report**

Start		End		Old CVSA			CVSA Issued		GVWR
Unit	Type	Make/Year	Unit #	VIN			License#	State	
1									
2									
Brake Measurement									
		1	2	3	4	5	6	7	
Right									
Left									
CARRIER:				DOT:					
DRIVER NAME:				LICENSE #			DOB		

Start		End		Old CVSA			CVSA Issued		GVWR
Unit	Type	Make/Year	Unit #	VIN			License#	State	
1									
2									
Brake Measurement									
		1	2	3	4	5	6	7	
Right									
Left									
CARRIER				DOT:					
DRIVER NAME:				LICENSE #			DOB		