

Marion County Public Works

Federally Funded Transportation Program



Title VI Annual Accomplishment Report

Fiscal Year 2015/16

**Marion County Public Works Department
2015 – 2016 Title VI Annual Accomplishment Report**

Introduction

The Marion County Department of Public Works, Engineering Division, Capital Projects Section administers federally funded projects as a Certified Local Public Agency (LPA). On April 12, 2016, Marion County Department of Public Works became fully certified to deliver federally funded projects with the execution of Master Certification Agreement (MCA) Number 30634 with ODOT. Marion County is now a fully certified LPA in Design (not including bridge design); Direct Appointment Consultant Selection; Advertisement, Bid and Award; and Construction Contract Administration. Amendment Number 1 to MCA Number 30634, currently in process, will authorize capital projects section to seek certification in bridge design using two existing federal aid bridge replacement projects as certification test projects.

The county has projects totaling \$22,330,463 programmed in the current Statewide Transportation Improvement Program (STIP). The following table lists the federal aid projects and the phases they are currently in:

Project	Phase
45 th Avenue: Ward Drive-Silverton Road Bike/Pedestrian Improvements	IGA
Hayesville Drive NE: Happy Drive-Fuhrer Street Bike/Pedestrian Improvements	IGA
Lancaster Drive/Macleay Road Traffic Signal Upgrade	IGA
Marion County Local Road Roadway Departure	IGA
Traffic Signal Interconnects	IGA
Jefferson – Marion Highway: Marion Creek Bridge Replacement	Prelim. Engineering
Silverton Road: Little Pudding River Bridge Replacement	Prelim. Engineering
Delaney Road Sidewalks and Bike Lanes (City of Turner)	Right-of-Way
St Louis Road Rail Crossing Safety Project (Marion)	Right-of-Way
Brown Road: Arizona Avenue – San Francisco Drive (Salem)	Construction
Marion County Ferry Boat Program	Construction
Cordon Road Left Turn Lanes	Closeout
North Avenue Bike-Pedestrian Enhancement	Closeout

As a certified LPA serving a population of 325,000, Marion County is required to have a Title VI Plan to document compliance with Title VI provisions of the Federal Civil Rights Act of 1964. On January 23, 2013, the Oregon Department of Transportation (ODOT) approved the Marion County Public Works Department Federally Funded Transportation Program Title VI Plan. This Annual Accomplishment Report covers Marion County’s fiscal year from July 1, 2015, through June 30, 2016, and provides an overview of how the engineering division incorporated Title VI policies and procedures into all phases of federally funded projects during that time, including preliminary engineering, right-of-way, and construction administration project phases.

Organization / Staffing Changes

In 2016, the engineering division hired a new capital projects manager. The capital projects manager is responsible for the implementation of Title VI activities for the federally funded transportation program. The capital projects manager reports Title VI progress to Marion County's Title VI coordinator, Dennis Mansfield, administration division manager.

The engineering division develops and administers federally funded projects. The county engineer oversees the engineering division and the capital projects section implements individual projects. The capital projects section is comprised of a capital projects manager, three project engineers, a senior engineering technician, four engineering technician 2s, and one department specialist 3. One position in the organizational structure changed this year from a senior engineering technician to an engineering technician 2.

Title VI Education and Training

The engineering division exceeded the annual Title VI training requirements for the 2015-2016 reporting year. County engineering employees attended two internal training events and one external training event. On March 1, 2016, the county engineer, county surveyor, traffic supervisor, two engineers, and four engineering technicians attended an FHWA webinar titled *(SR500A) Questions and Answers: Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered Through Resurfacing*. County engineering employees attended a second internal training event on June 16, 2016, titled *Are You Talking to Me?* This communications training was hosted by the Marion County Human Resources Department and all engineering division staff were required to attend.

The department specialist attended one external training event provided by the Bureau of Labor and Industries (BOLI). The seminar was on February 16, 2016, and it was titled *BOLI 2016 Winter/Spring Prevailing Wage Rate Seminar for Public Agencies*. Thirty-six contractors and consultants were invited to this training opportunity.

Complaints

The Marion County Department of Public Works received no formal or informal Title VI complaints during this reporting year. Marion County Title VI complaint procedures are listed in the Title VI Plan that is posted in English and in Spanish on the Marion County website. Complaint reporting forms and Title VI Annual Accomplishment Reports are also posted on the Title VI webpage in English and in Spanish. The Civil Rights web page is the first link at the top of the main Engineering web page. Citizens can request paper copies of the complaint form at the Public Works front desk and engineering technicians keep complaint forms on site during

project construction. The department maintains a Title VI Annual Log of Complaints and implements complaint procedures as listed in the Title VI Plan.

Title VI Implementation

Program or Project Development (Planning)

Transportation Planning efforts at Marion County involve; maintaining and updating all transportation system plans, identifying and prioritizing program and project needs, project selection, land use and transportation coordination, coordination with other agency efforts (including cities, ODOT and Metropolitan Planning Organizations (MPO)), and seeking grant funds for project opportunities. Supporting Title VI and Environmental Justice goals during these long-range planning activities helps to ensure that projects that move ahead to design and construction have addressed the necessary provisions to meet civil rights requirements.

The Marion County Rural Transportation System Plan has not been updated during the reporting year so no additional formal public outreach activities have taken place.

Grant applications submitted for project funds during the reporting year fall into the following categories: Title II Secure Rural Schools, ODOT Local Agency Bridge Program, ODOT Enhance Program, ODOT ARTS Program, Federal Lands Access Program, and the Salem-Keizer MPO Transportation System Program.

- On July 31, 2015, applications to repair or replace three Marion County bridges were submitted to compete for ODOT Local Agency Bridge Program funding.
- On August 26, 2015, two applications were submitted for 2015 United States Forest Service (USFS) Title II, Secure Rural Schools funding. They were for North Fork Road Sign and Parking Enhancements, and Salmon Falls Park Parking Expansion.
- On November 20, 2015, a proposal for Hayesville Drive NE Bicycle and Pedestrian Enhancements was submitted for Non-Highway Enhance Program funding.
- On December 14, 2015, Marion County submitted a Bureau of Land Management (BLM) Title II, Secure Rural Schools application for funding to complete parking improvements at North Fork and Salmon Falls parks.
- On April 15, 2016, due to the original August 2015 USFS proposal being only partially funded, an application was submitted to request 2016 United States Forest Service Title II, Secure Rural Schools funding for Salmon Falls and North Fork Parks Parking Improvements.
- On April 29, 2016, twelve pre-applications were submitted to the Salem-Keizer MPO for roadway projects in the Salem area, which resulted in five full applications being submitted on July, 29, 2016.
- On June 30, 2016, an application was submitted for Federal Lands Access Program funding to chip seal North Fork and Gates Hill Roads.

Design Engineering and Environmental Activities

Marion County integrates Title VI policies in the design and environmental review phase of each federal aid project to prevent violations of the Federal Civil Rights Act. During this phase an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) may be conducted depending on the scope, complexity and impacts of the project. When an EIA or EA is required, the Title VI coordinator is responsible for reviewing demographic and environmental data to assess the potential impact of federal highway activities on minority populations. Demographic data is collected from the United States Census Bureau information and Oregon School System data. This year, all of Marion County's federal aid projects were categorically excluded from requiring a project-specific EIS or EA and each categorical exclusion determination was affirmed by the agency administering the federal aid project funds. Therefore, no EIAs or EAs were conducted during this reporting period.

Demographic data is also used to anticipate language translation requirements for federal aid projects. Early in the environmental and design phase, the county hosts public meetings to provide project information and address community concerns. Public meeting notices are sent to landowners and posted on the project webpage. Notices list contact information for language translation assistance and translation services are provided upon request at public meetings. Information about public meetings is posted in a variety of locations and the meetings are scheduled at an accessible location and time.

During this reporting year, there was one public meeting for the St. Louis Road project on March 31, 2016, from 6:00 to 7:00 p.m. at Gervais High School. Meeting invitations were mailed to 55 residents and notices were posted in schools, stores, and the Gervais post office. A public display was created for the meeting and the display was posted with the notice on the project webpage. There were no requests for translation services at this public meeting. An attendance sheet with Title VI information was used at the meeting and attendees could report Title VI information on a voluntary basis.

During the next reporting period Marion County will be hiring consultants to perform the environmental, geotechnical design, and right-of-way for the Jefferson-Marion Road and Silverton Road bridge projects under the direct appoint process. Engineering staff will strive to hire Disadvantaged Business Enterprise (DBE) firms for part of this work in compliance with ODOT's DBE program requirements.

Right-of-Way Activities

Once the Design Engineering and Environmental Activities phases are complete, the county surveyor oversees right-of-way acquisition for the project. At the beginning of this phase, Marion County hires qualified appraisers and acquisition agents to appraise and acquire right-of-

way for federally funded transportation projects. In an effort to provide equal opportunity during the acquisition of contracted services, the county uses ODOT Procurement Policies and Marion County Procurement Policies as guideline documents. Lane County was the only appraiser hired in this reporting year and they completed appraisals for the St. Louis Road and Delaney Road projects.

Although the county encourages the use of DBE firms, no DBE firms were hired this year for right-of-way services and there were no female or minority appraisers working on federally funded projects. Marion County hired HDR, Inc. to conduct right-of-way acquisitions for the St. Louis Road project under the Direct Appoint process. DBE participation was not considered in the process of hiring the firm, but the contract contains all required Title VI and DBE provisions as contract exhibits D and E.1.

Throughout the acquisition process, county staff, qualified appraisers and acquisition agents have significant contact with landowners and residents. Written and verbal correspondence is documented in the right-of-way file and county employees incorporate Uniform Relocation and Assistance Act and Title VI policies during the acquisition process.

In this reporting year, the engineering division worked with 16 landowners to obtain 14 temporary easements and 9 permanent easements on the Delaney Road project. No property or interests were acquired through eminent domain proceedings. Although ODOT relocation literature and Marion County Public Works Title VI compliance assurances are available in the event of landowner relocation, no landowners were relocated during this reporting year.

The project manager for the St. Louis Road project is currently working with landowners for right-of-way acquisition. One landowner requires Spanish translated documents and phone conversations. The capital projects section sent new and existing Spanish translated right-of-way forms to HDR, Inc. for the acquisition process. When the Spanish speaking landowner had questions about right-of-way acquisition, county staff translated two phone conversations and provided translation for one in-person meeting with the property owner.

In the Design Engineering and Environmental Activities phase, the county uses United States Census Bureau demographic studies and Oregon School System data to determine the presence of minority populations. This information was used to predict language requirements at the St. Louis Road public meeting on March 31, 2016, from 6:00 to 7:00 p.m. at Gervais High School. Right-of-way acquisition was discussed during this meeting.

County employees dealing with the right-of-way process were invited to all Title VI training opportunities this year. The county surveyor and project engineers attended the FHWA ADA training and communications training. Marion County's standard document templates for deeds, easements, permits and leases contain all required Title VI provisions as specified in

Marion County's approved Title VI Plan, and all right-of-way documents recorded this reporting period contain these required provisions.

Construction and Maintenance Activities

The capital projects section tracks Title VI and civil rights compliance throughout the construction phase of each federally funded project. During this reporting year, the construction phase of the remaining conditionally certified LPA test projects was completed and all test projects were closed out.

For each project, the project engineer submits a Civil Rights Request for Goals to ODOT when the PS&E is 90% or more complete. The ODOT Office of Civil Rights (OCR) uses this to develop DBE and On the Job Training (OJT) goals for the project. Once a goal is assigned for the project, Marion County promotes the use of DBE firms by stating the goal in the special provisions, bid announcements, and project advertisements, and by enforcing the specified DBE goal throughout the duration of the project. Construction contracts are awarded to the lowest responsive bidder that also meets or exceeds the DBE goal. The award letter includes Title VI language and encourages the use of DBE subcontractors and vendors. There was one award letter for federally funded projects and it includes all required Title VI language.

For the construction phase of this reporting year, two projects had DBE goals assigned that were greater than 0%. There were two committed DBE subcontractors and a total of seven DBE subcontractors that worked on federally funded projects. The project engineer reviewed and approved CUFs and 3A Workplans for each of these DBE contractors. During project construction, the project engineer, technicians and department specialist collaboratively tracked civil rights compliance through the review of Monthly Employment Utilization Report forms, Paid Summary Report forms, Summary Report of Subcontractors Paid forms, OJT Program forms, Commercially Useful Function forms and 3A Workplan forms.

Although the project engineer and the ODOT OCR approved civil rights and Title VI documentation for all projects, the prime contractor did not meet the committed DBE goal for the Whipper Road: Perrin Irrigation Canal Bridge project. After meeting with ODOT and the contractor, Marion County elected to reduce final payment to the prime contractor by the difference in the amount between the unmet DBE goal and the total paid to the DBE. In an effort to work with contractors to meet all future DBE goals, the capital projects section now tracks the percent of unmet DBE goal throughout project construction and contacts the contractor if there are any concerns. This procedure was followed for the Brown Road project where the committed DBE goal has been met.

During Construction of the Brown Road project, contract plan grades resulted in three curb ramps that were out of compliance with ADA standards for cross slope. This situation was rectified by change order. However, to prevent this from happening on future projects, the

roadway plans will include slope design at each curb ramp rather than relying on references to standard plans and grades at face of curb.

The engineering division works closely with contractors, landowners and ODOT to provide equal opportunity throughout project construction. During the right-of-way phase, the right-of-way agent requests landowner contact information and language translation requirements. This information is given to engineering technicians so that they can anticipate onsite translation requirements. Technicians also keep English and Spanish Title VI Complaint forms in their fleet vehicles in case a contractor or a citizen would like to report a civil rights violation.

The project manager sends notices to landowners to provide information on construction activities. Project notifications include Spanish and Russian translated offers for translation services or accommodations. When translation services are requested, county employees are able to translate most phone conversations, written documents and in-person meetings. If translation requests are beyond county resources, contracted linguistic phone and written services are available. This year two separate notifications totaling 1,162 notices were distributed for federally funded projects through mail, email, in-person, fax, notification system and through public school employees. Notices, press releases and public meeting invitations are posted on county social media, events pages and a county webpage that is created for each project. After construction notices were delivered, Public Works received two email and two phone call translation requests. County employees were able to accommodate all requests.

The capital projects section continued to track civil rights compliance by maintaining the ODOT Civil Rights Tracking Log and prevailing wage tracking workbook. All Title VI and civil rights documents are prepared for state and federal audit requirements. In this reporting year, the Federal Highway Administration conducted and approved one audit on Marion County's Cordon Road and Auburn Road projects. The ODOT OCR also completed a total of five audits, including final audits on three test projects. The ODOT DBE Tracking Reports listed Marion County in compliance with civil rights requirements for this reporting year.

Accomplishments

On April 12, 2016, Marion County became fully certified to deliver federally funded projects with the execution of a Master Certification Agreement with ODOT. The county is now fully certified in Direct Appoint Consultant Selection; Design (not including bridge design); Bid and Award, Advertising; and Construction Contract Administration.

As recommended by ODOT following submission of Marion County's 2014-2015 Title VI Accomplishment Report, the engineering division included a Title VI webpage on the new Marion County website that launched on September 28, 2015. Links to the Civil Rights or Title VI webpage are easy to locate on the main Public Works webpage under Quick Links on the sidebar or on the Engineering webpage and sidebar. The Title VI webpage has contact information for

the Title VI coordinator and there are links to the Title VI Plan, Title VI Complaint form and the Annual Accomplishment Report. All documents have been translated to Spanish by county staff and posted on the Title VI webpage.

Lessons Learned

The capital projects section closely tracks DBE compliance on all federally funded transportation projects. However, the section learned to also track progress on committed DBE goals throughout projects so that DBE goals are met. During this reporting year, the committed DBE goal was not met on the Whipper Road: Perrin Irrigation Canal Bridge project. As a result, the prime contractor's final payment was reduced by the difference between the committed goal and the amount paid to the committed DBE.

The capital projects section now monitors DBE progress through Paid Summary Report forms that prime contractors submit each month. The project manager monitored progress on the DBE commitment for the Brown Road: Arizona Avenue to San Francisco Drive project and the prime contractor has exceeded the total commitment amount for the project.

As a result of ADA cross slope issues at three curb ramps on Brown Road, the capital projects section has begun providing slope designs in the contract plans at each curb ramp. Delaney Road will be constructed in the summer of 2017 and will be the first project to be delivered with a cross slope design at each ramp.

Goals for the Upcoming Year

1. Continue to work on ADA Transition Plan for the Engineering Division. The ODOT Annual Accomplishment Report review letter stated that American Disability Act (ADA) and nondiscrimination language should be accessible on the website. Although all other requested documents were posted on the Title VI webpage, the county does not yet have ADA information to post. County staff is in the early stages of researching and developing an ADA Transition Plan for Marion County.
2. Translate additional vital documents and forms to Spanish for ongoing use. Documents will be posted on the Title VI webpage.
3. Create a Title VI Powerpoint lesson plan to annually present to all Public Works employees during a safety meeting. Update the Powerpoint with new content and lesson plans each year.

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