

Marion County Public Works

Federally Funded Transportation Program



Title VI Annual Accomplishment Report

Fiscal Year 2016/17

**Marion County Public Works Department
2016-2017 Title VI Annual Accomplishment Report**

Introduction

Marion County Department of Public Works (MCPW), Engineering Division, Capital Projects Section administers federally funded transportation projects as a Certified Local Public Agency (LPA). Marion County is fully certified in Design (not including Bridge Design); Direct Appoint Consultant Selection; Advertisement, Bid and Award; and Construction Contract Administration. In this reporting year, Amendment Number 01 to Master Certification Agreement Number 30634 was authorized. Marion County plans to seek certification in Bridge Design in the coming year, using two federally funded bridge replacement projects as certification test projects.

Marion County has projects totaling \$24,359,903 programmed into the current Statewide Transportation Improvement Program (STIP). The following table lists these federal aid projects and the phases they are currently in:

Oregon STIP Federal Aid Projects	Phase
Marion County Local Road Roadway Departure	Prospectus/IGA
Duckflat Rd and Libby Lane Rail Xing	Prospectus/IGA
45 th Ave: Ward Drive-Silverton Road, Bike/Pedestrian Improvements	Prelim. Engineering
Hayesville Drive NE: Happy Drive-Fuhrer Street Bike/Pedestrian Improvements	Prelim. Engineering
Lancaster Drive/Macleay Road Traffic Signal Upgrade	Prelim. Engineering
Marion County Local Road Roadway Departure	Prelim. Engineering
Traffic Signal Interconnects	Prelim. Engineering
Jefferson-Marion Highway: Marion Creek Bridge Replacement	Prelim. Engineering
Silverton Road: Little Pudding River Bridge Replacement	Prelim. Engineering
Federal Ferry Boat Program, Phase 2	Prelim. Engineering
Federal Ferry Boat Program, Phase 3	Prelim. Engineering
Federal Ferry Boat Program, Phase 1	Other
Delaney Road Sidewalks and Bike Lanes (City of Turner)	Construction
St. Louis Road Rail Crossing Safety Project (Marion)	Construction
Brown Road: Arizona Avenue-San Francisco Drive (Salem)	Closeout
North Ave. Bike-Ped Enhancement (City of Jefferson)	Closed Out
Cordon Road Left Turn Lanes	Closed Out

Marion County is also administering seven federal aid projects funded through Western Federal Lands, Highway Division (WFLHD), the Bureau of Land Management (BLM) and US Forest Service (USFS), as follows:

Non-STIP Federal Aid Projects	Phase
North Fork Road Landslide Repairs (WFLHD)	Prospectus/IGA
North Fork Road & Gates Road Chip Seal (WFLHD)	Prospectus/IGA
North Fork Park Parking Improvements (BLM)	Construction

Non-STIP Federal Aid Projects	Phase
North Fork & Salmon Falls Parks Parking Improvements (USFS)	Construction
North Fork Road Sign & Parking Enhancements (USFS)	Construction
North Fork Road Safety Improvements (WFLHD)	Construction
Salmon Falls Park Parking Expansion (USFS)	Close Out

Organization and Staffing Changes

This year, five employees were hired into the Capital Projects Section. New employees include a Project Engineer, an Engineering Technician II and three Temporary Engineering Technicians. Title VI training opportunities will be provided to all new employees in the upcoming reporting year.

Dennis Mansfield, MCPW Administrative Division Manager, continues to provide oversight of the Title VI program as the Title VI Coordinator. The Capital Projects Manager oversees the Capital Projects Section, serves as the county's Certification Program Manager and reports directly to the County Engineer. Individual construction projects are implemented by the Capital Projects Section which is comprised of the Capital Projects Manager, four Engineers, five Engineering Technicians, one Department Specialist and three Temporary Engineering Technicians.

Title VI Education and Training

The Marion County Department of Public Works provides annual Title VI training opportunities for employees, consultants and contractors. The county hosted one internal training event this year to provide education to contractors and Marion County employees on Title VI compliance. On January 11, 2017, the Capital Projects Section hosted a *Public Works Projects Information Meeting* at the Public Works campus. The event was posted on the Oregon Department of Transportation (ODOT) Civil Rights Events webpage and invitations were sent to 118 contractors, agency representatives, utility representatives and materials suppliers. Presentation materials included information on the Americans With Disabilities Act (ADA) and civil rights requirements for federally funded transportation projects.

Public works employees attended three external training events during this reporting year. Engineering Division employees attended a training titled *ODOT Curb Ramp and ADA Training for Local Agencies*. Seven Engineering Technicians and one Engineering Associate from the Capital Projects Section and the Land Development Engineering and Permits Section attended Level 1 and Level 2 Certification Training during several days in April. Six Engineering Division employees also attended an American Society of Civil Engineers technical presentation on ADA compliance on May 18, 2017. On November 8, 2016, two Department Specialists attended an external training event hosted by the Bureau of Labor and Industries (BOLI). The seminar was titled *BOLI 2017 Prevailing Wage Rate Seminar for Pubic Employees*.

Complaints

The Marion County Department of Public Works received no formal or informal Title VI complaints during this reporting year. The Title VI Plan lists procedures for addressing Title VI complaints. The Title VI Plan and the Title VI Complaint Reporting Form are accessible in English and in Spanish on the Marion County Department of Public Works website. Paper copies are available upon request at the Public Works building front desk and Engineering Technicians keep copies of the form at work sites during project construction.

Citizens can contact the Title VI coordinator through the email address and phone number listed on the Civil Rights webpage. If a civil rights complaint is filed, the department documents the complaint in the Title VI Annual Log of Complaints and implements Title VI Plan procedures.

In the 2017-18 reporting year, the Engineering Division will add procedures for addressing informal Title VI complaints to the Title VI Plan.

Title VI Implementation

Program or Project Development (Planning)

Transportation Planning efforts at Marion County involve the maintenance and updating of all transportation system plans, identification and prioritization of programs and project needs, project selection, land use and transportation coordination, coordination with other agencies (including ODOT, cities and Metropolitan Planning Organizations (MPOs)), and the pursuit of grant funding opportunities. The application of Title VI and Environmental Justice goals during long range planning activities helps to ensure projects that move ahead to design and construction address 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.

On March 22, 2017, an application for Emergency Relief funds was submitted to FHWA for the repair of River Road South in rural Marion County. No other grant applications were submitted during this reporting period.

Preliminary Engineering (PE) Phase and Environmental Activities

Civil rights and Title VI policies are considered throughout the PE Phase of each federal aid project to ensure environmental impacts do not disproportionately affect minority and low-income populations. Before the start of each federal aid project, the ODOT Region 2 Environmental Coordinator and other ODOT staff evaluate demographic data from various sources, including the US Census Bureau and Oregon Department of Education, to identify potentially vulnerable populations, assess potential impacts based on the project scope and magnitude, and issue guidance for achieving Title VI compliance in Part 3 of the project Prospectus. Marion County Project Engineers are responsible for implementing ODOT's Part 3

guidance during the PE Phase. The Capital Projects Manager reviews the project plans, specifications, public outreach activities and supporting documents for compliance at each project milestone. Additional compliance verification is provided by the ODOT Region 2 Environmental Coordinator during ODOT review and approval of the final construction documents.

For projects not funded through ODOT's federal aid program, the evaluation of demographic data, identification of potentially vulnerable populations and development of Title VI impact mitigation measures are performed by the Project Engineer under the supervision of the Capital Projects Manager. During this reporting year, all federal aid transportation projects undertaken by Public Works were categorically excluded from requiring a project-specific environmental impact statement (EIS) or environmental assessment (EA).

Environmental studies and cultural resource surveys, engineering studies and engineering design are conducted during the PE Phase. Marion County used the direct appoint process to hire consultants for the following projects:

1. Jefferson-Marion Highway: Marion Creek Bridge Replacement project;
2. Silverton Road: Little Pudding River Bridge Replacement project;
3. 45th Avenue Bike/Ped Improvements project;
4. Lancaster/Macleay Traffic Signal Replacement Project;
5. Hayesville Drive Bike/Ped Improvements project;
6. Traffic Signal Interconnect Project; and
7. Federal Ferry Boat Program, Phase 2.

The department made an effort to hire Disadvantaged Business Enterprise (DBE) companies and was successful in hiring two DBE consultants in this reporting year.

Public meetings are hosted for each project to disseminate information and to create a forum for community participation. Meetings are scheduled at an accessible location and time, with meeting invitations sent directly to landowners and residents that will be impacted by the project. This information is also posted on the public works website and in a variety of public locations, including roadside signs that directly notify users of the facility. Demographic data is used to anticipate language translation requirements and all meeting invitations include an offer for translation services. If translation services are requested, the county has staff that can accommodate French or Spanish translation requests. The county also has contracts with the AT&T Language Line and with a variety of written translation service providers.

In this reporting year, the Engineering Division hosted public meetings for two federally funded projects. The first meeting was held for the Jefferson-Marion Highway: Marion Creek Bridge Replacement project and was hosted on November 16, 2016 at 6:30 p.m. at the Greater Jefferson Community Center. New voluntary Title VI demographic surveys were created and distributed at the meeting. This method of data collection improved reporting results as all

participants returned completed surveys. A press release for the public meeting was sent to media sources and a Statesman Journal newspaper article was written about the project.

The second public meeting was held for the North Fork Road Safety Improvements project and was hosted on March 7, 2017 from 6:30 to 8:30 p.m. at Camp Cascade in Lyons. Meeting invitations, letters and maps were sent to landowners to explain the project and to invite community participation. Fifty-three people attended the meeting, which featured poster board visuals, a Power Point presentation and public comment sheets.

Right-of-Way (RW) Phase

After environmental activities have been completed, the County Surveyor and the Project Engineer oversee right-of-way acquisition for each federally funded project. Established right-of-way policies and procedures are used during the acquisition process to be in compliance with Title VI, the Civil Rights Act of 1964, and the Uniform Relocation and Assistance Act of 1970.

Qualified, ODOT-certified appraisers and acquisition agents were hired to appraise and acquire right-of-way for two federally funded transportation projects. The county encourages the use of DBE companies for contracted right-of-way services, but no DBE companies were hired for this reporting year. Acquisition contracts were awarded to HDR and Universal Field Services and the contracts contained Title VI and DBE provisions. Lane County was hired to complete appraisals.

Public works employees and contractors work directly with landowners during the acquisition process to discuss negotiation, relocation and eminent domain proceedings. In this reporting year, county employees worked with 20 landowners to acquire 17 temporary easements and 14 permanent easements for projects. All correspondence is documented in the project file and employees reference Uniform Relocation and Assistance Act and Title VI policies throughout right-of-way acquisition.

In the event that a landowner is relocated, Marion County provides ODOT relocation literature and Marion County Title VI assurances conforming to the ODOT Right-of-Way Manual. No landowners were relocated this year and no properties were acquired through eminent domain proceedings.

The US Census Bureau and Oregon Department of Education demographic data from the PE Phase is used during the right-of-way phase to determine the presence of minority populations and predict language translation requirements in advance. Vital documents and most right-of-way form templates have been translated to Spanish and sent to consultants to use for the acquisition process. This year, four new right-of-way form templates were translated to Spanish for ongoing use.

There was one Spanish speaking landowner on the St. Louis Road project that requested translation services. County employees translated several letters and provided translation services for one onsite visit, one phone conversation and one meeting at the public works

campus. The Project Engineer coordinated the meeting and was joined by the right-of-way acquisition consultant, the County Surveyor and a county employee whose sole purpose was to translate the conversation.

Translation services were also offered at the Jefferson-Marion Highway: Marion Creek Bridge Replacement project and North Fork Road Safety Improvement project public meetings that had right-of-way as a discussion point on the agenda.

Once right-of-way acquisition is complete, ODOT Right of Way Section reviews project right-of-way files. If ODOT approves the files, then the Right-of-Way Certification form is signed and the project may proceed to the Construction Phase.

Construction (CN) Phase and Maintenance Activities

The Capital Projects Section manages the construction phase of federally funded projects as a certified LPA. For each project, Title VI and civil rights compliance is tracked and reported to the ODOT Office of Civil Rights (OCR).

The OCR assigns a Disadvantaged Business Enterprise (DBE) and an On-the-Job Training (OJT) goal for each project and Marion County states the DBE and OJT goals in the project-specific special provisions, bid announcements and project advertisements. Once the project is awarded, ODOT-approved Title VI language is included in the award letter and the contractor is required meet the stated DBE and OJT goals. Civil rights requirements are specified at project preconstruction meetings and the Capital Projects Section tracks Title VI and civil rights activities for all projects.

During the project Construction Phase, the Capital Projects Section notifies landowners and citizens of construction work through a variety of sources. A webpage with a map is created for each project and ongoing construction information is posted on the webpage. Construction information is sent to media sources through a press release and information is posted on the County social media page. Construction notices are sent to landowners and emergency service providers with translation services offered.

Three federally funded transportation projects and one federally funded Federal Lands Access Program (FLAP) project were in the Construction Phase during this reporting year. Subcontracts and service letters are issued at the beginning of each project and DBE companies are identified for tracking. There were three 3A Workplans and one Commercially Useful Function (CUF) form approved this year for three non-committed DBE subcontractors on the St. Louis Road project. The Brown Road: Arizona Avenue to San Francisco Drive Urban Upgrade project had a DBE goal of 5% and the committed DBE contractor attained 9% of the original bid amount.

Civil rights and prevailing wage compliance was tracked on the ODOT Civil Rights Tracking Log and the prevailing wage tracking workbook for all ODOT federal aid projects. Throughout the project, engineers, technicians and the department specialist reviewed Monthly Employment

Utilization Report forms, Paid Summary Report forms, 3A Workplans, Commercially Useful Function forms, DBE Owner/Operator Trucking data and Employee Interviews. ODOT OCR conducted two audits and one labor compliance review for the Brown Road project.

The Engineering Division is in the process of creating an ADA Transition Plan. Until the plan is completed and adopted, the County will follow the ODOT transition plan. All roadway plans now include slope designs at each curb ramp rather than relying on references to standard drawings. For the Brown Road project, the plans were revised through change order to ensure that the curb ramps met ADA standards.

Once project construction is complete, second note, third note and final payment are issued. ODOT conducts a final Documentation Review Report and a review of certified payroll reports. After all documents are approved, the Project Engineer sends the Project Manager's Labor Compliance Certification and semi-final package to ODOT.

Accomplishments

In 2016, Marion County signed Master Certification Agreement number 30634 with ODOT to deliver federally funded transportation projects as a Certified Local Public Agency. The county is now pursuing certification in Bridge Design and the Engineering Division is currently implementing the Jefferson-Marion Highway: Marion Creek Bridge Replacement project and the Silverton Road: Little Pudding River Bridge Replacement project as test projects. The Capital Projects Section will follow all existing Title VI procedures when implementing federally funded bridge projects.

This year, the County Engineer assigned a team to draft an ADA Transition Plan for the Department of Public Works. Engineering employees are preparing materials for the plan and eight employees attended an ADA training opportunity that was hosted by ODOT in April 2017. Once the Transition Plan is complete, it will be available to the public for download on the Civil Rights webpage. Marion County employees received information on ADA compliance and progress on the ADA Transition Plan through a department-wide newsletter article and periodic updates.

In effort to establish an ongoing internal training opportunity and forum for civil rights information on federally funded transportation projects, the Capital Projects Section hosted the first annual Public Works Project Information Meeting. The meeting was hosted at the public works campus on January 11, 2017 and 118 contractors and consultants were invited. The meeting included information on Title VI requirements and attendees provided feedback on the training to improve the quality of information presented at future events.

Lessons Learned

The Capital Projects Section learned how to improve data collection methods at public meetings so that more people felt comfortable reporting demographic information. Data is tracked at community meetings and public hearings through a voluntary sign-up sheet that collects information on race, gender and national origin. This information was visible to the general public and very few people were reporting demographic data. In an effort to increase the amount of information reported, the department created individual survey forms to distribute at public meetings. As a result, all meeting participants returned forms at the Marion Creek Public Meeting. Individual survey forms will now be used at all public meetings.

ODOT OCR scheduled a Title VI audit for the 2017-18 reporting year and the Engineering Division prepared information for the meeting. The audit questionnaire requested information on informal Title VI complaint procedures, which the Title VI Plan has not specified. This year the Engineering Division will create procedures to respond to informal Title VI complaints. Procedures will be added to the Title VI Plan and the amended plan will be posted on the Civil Rights webpage.

Goals for the Upcoming Year

1. An additional Department Specialist is being trained to track prevailing wage and civil rights compliance for federally funded transportation projects. Continue to provide internal and external Title VI training opportunities for the Department Specialist.
2. Make progress on creating an ADA Transition Plan. When the plan is complete, post the document on the county Civil Rights webpage.
3. Establish procedures to address informal Title VI complaints. Amend Title VI Plan to include this information.
4. Complete tri-annual review and updating of MCPW's existing Title VI Plan.