



Marion County Public Works Department
Federally Funded Transportation Program

Title VI Implementation Plan
October 2024

Brian Nicholas
Public Works Director

Lani Radtke
Engineering Division Manager
Title VI Coordinator

I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

Marion County Public Works Department assures that no person shall on the grounds of race, color, national origin, sex, age, disability or income as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Public Works Department sponsored program or activity.

Marion County Public Works further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not. By executing this document, Marion County Public Works Department will issue notice to the public as stipulated in the Public Works Title VI Notice to the Public (Exhibit A). The plan will be shared, both internally and externally, on the Public Works Engineering website and through training.

Marion County Public Works has implemented a Limited English Proficiency (LEP) Plan in accordance with Executive Order 13166, wherein LEP persons will be provided an equal opportunity to benefit from, or have access to, services that are normally only provided in English.

In the event Marion County Public Works Department distributes federal-aid funds to another entity, Public Works will include Title VI language in all written agreements and will monitor for compliance. The Marion County Public Works Department Director and Title VI Coordinator are authorized to ensure compliance with the provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21. Marion County Public Works Title VI assurances are listed in Exhibit B.

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2A; EO 12250; EO 12898; 28 CFR 50.3

II. Organization, Staffing and Structure

A. Organizational Chart – Reporting Relationships

The Public Works Department's Organizational Chart is attached as Exhibit C, and thereby incorporated herein.

The Public Works Department Engineering Division Manager is hereby designated as the Marion County Public Works Department Title VI Coordinator.

The Public Works Capital Projects Manager (CPM) is hereby designated as the person who implements the Title VI activities mentioned below and reports progress to the Public Works Title VI Coordinator.

B. Staffing and Structure

The Director is authorized to ensure compliance with the provisions of the Public Works Department policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Public Works' grants compliance function and Title VI coordination shall be performed under the authority of the Public Works Director.

C. Title VI Coordinator

The Public Works Department has designated and authorized the Public Works Engineering Division Manager to perform the duties of the Title VI Coordinator and ensure implementation of the Public Works Title VI Federally Funded Transportation Program. The Engineering Division Manager has other duties and responsibilities in addition to Title VI. This position has a direct reporting relationship and access to the Public Works Director.

III. Title VI Implementation Plan and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Public Works Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Public Works' compliance with Title VI requirements as follows:

A. Program Administration and Monitoring

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources. Provide recommendations as required to the Public Works Director.

B. Complaints

Review written Title VI complaints that may be received by the Public Works Department following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. Data Collection

Review the statistical data gathering process performed by department staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII – Title VI Implementation Activities).

D. Environmental Impact Statements

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the Public Works Department for projects receiving Federal Highway Administration or other federal assistance.

E. Training Programs

Conduct or facilitate training programs on Title VI issues and regulations for Public Works employees and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual accomplishment report.

F. Title VI Implementation Plan Update

Review and update the Public Works Department Transportation Program Title VI Implementation Plan as needed or required. Present updated plan to the Public Works Director for approval; submit amended Plan to ODOT OCR Title VI Coordinator for approval.

G. Annual Accomplishment Report (AAR)

Prepare an annual report of Title VI Accomplishments and changes to the program. This report describes the activities that occurred during the preceding State fiscal year that ends on June 30th and identifies goals and objectives for the upcoming year as required; and submit to the ODOT Office of Civil Rights by October 1 for review and approval as prescribed in the Section C, Chapter 8 of the Local Agency Guidelines for Certified Local Public Agencies.

H. Public Dissemination

Work with Public Works customer service and contracting staff to develop and disseminate Title VI program information to Public Works employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Public Works Title VI Policy Statement in newspapers having a general circulation, and informational brochures. Ensure public service announcements or notices are posted for proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. Elimination of Discrimination

Work with Public Works administrative staff and Marion County Human Resources to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Public Works processes.

J. Maintain Legislative and Procedural Information

Federal laws, rules and regulations, ODOT guidelines, the current Public Works Title VI Implementation Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Public Works Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to the public as requested or required.

IV. Education and Title VI Training

In keeping with adopted Marion County and Marion County Public Works Department policies of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities related to Title VI. Public Works staff will maintain program administration documentation and data necessary for preparation of annual Title VI reports and will routinely supply the necessary data to the Title VI Coordinator.

The Title VI Coordinator is responsible for ensuring overall Title VI related training and staff development for Title VI Coordinators and other Public Works employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. Public Works will also encourage staff to attend ODOT Title VI training sessions when offered. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. ODOT's Office of Civil Rights may also be asked to provide applicable training.

V. Complaint Procedures - Allegations of Discrimination in Federally Assisted Programs or Activities by individuals and others.

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Marion County Public Works Department, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the Public Works level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution at the discretion of the Public Works Department. All complaints must be reported to ODOT's Office of Civil Rights Title VI Manager and in the AAR.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written

complaint with the Marion County Public Works Department. A formal complaint must be filed within 180 calendar days of the alleged occurrence. Public Works will not officially act or respond to complaints made verbally. Any individual that needs assistance in completing a written complaint will receive help from Public Works upon request.

2. All informal Title VI complaints will be forwarded to the Title VI Coordinator who will determine if further action is needed.
3. Upon receiving a formal written complaint, Public Works will conduct an initial investigation which will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint including whether it is merely a request for information or concern verses a complaint against Marion County Public Works or ODOT. When a formal written complaint is received, Public Works is required to forward the complaint to the ODOT Office of Civil Rights after the initial fact-finding investigation. ODOT will conduct the formal investigation, which may include tasks such as taking pictures, interviewing staff or citizens and research of policy and laws. In the event ODOT handles the investigation, they will follow the adopted procedures for investigating discrimination complaints, per their current State Title VI Implementation Plan.
4. If the complaint is against a sub-recipient, consultant, or contractor, under contract with Public Works, the appropriate division manager as well as ODOT Office of Civil Rights shall be notified of the complaint, by the sub-recipient, consultant or contractor who initially received the complaint, within 15 calendar days.
5. Once ODOT's Office of Civil Rights receives the complaint, the complainant and the respondent will be notified in writing within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator of the Public Works Department, which will include information on the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex. ODOT will also track the complaint and log it into the complaint database in the Title VI Program. The complaint will continue to be tracked as it moves forward or is dismissed. The ODOT Title VI Coordinator will notify the Federal Highway Administration (FHWA) of the complaint and will keep the FHWA updated on the progress of the complaint as it moves through the complaint process. Any complaints are reported in the Public Works and ODOTs AAR that is submitted each year.
6. Within 60 days of receipt of the complaint, the ODOT Title VI Coordinator will prepare a written investigative report for the Public Works Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
7. Once the investigative report becomes final, both the complainant and the respondent shall receive a copy of the investigative report and will be notified of their respective appeal rights.

8. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the decision to the U.S. Government Federal Highway Administration. The complainant has 180 calendar days after the appropriate Public Works final resolution to appeal to the United States Department of Transportation (USDOT). The appeal should be sent to the following address:

United States Department of Transportation
Federal Highway Administration
530 Center Street NE Ste. 420
Salem, OR 97301

9. An annual Log of Complaints must be maintained by Public Works. The Log of Complaints must contain the following information for each complaint filed:
 - The name and address of the person filing the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint
 - The status of the complaint

Only qualified, well-trained investigators should conduct these investigations. Public Works will not investigate a complaint against itself.

VI. Sub-Recipient Review and Remedial Action Procedures

The Public Works Title VI Coordinator will assist the ODOT Office of Civil Rights to periodically conduct Title VI compliance reviews of Marion County Public Works sub-recipients. The review of select recipients of Federal-aid highway or other federal funds will be conducted to ensure adherence to Title VI requirements. Public Works will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient of Marion County Public Works fails or refuses to voluntarily comply with requirements within the allotted time frame, Public Works will submit to ODOT copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted by ODOT within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Public Works and ODOT may, with FHWA concurrence, initiate sanctions per 49 CFR 21.

VII. Title VI Implementation Activities

A. Program or Project Development (Planning)

Public Involvement in Planning Activities and Title VI

1. Involve the public early and throughout in the project phases.
2. Public meetings shall be conducted virtually or at convenient and accessible locations at convenient times. Meetings shall be located and arranged with the intent of obtaining participation from those most directly impacted; pertinent community leaders, organizations and media shall be contacted; the Department will provide information (time, place, language) to the public; meetings and hearings shall be held at appropriate locations, times of day and week, and levels of formality to increase attendance. Translation services will be available if they are anticipated to be needed.
3. The use of visuals to describe plans is encouraged.
4. The public will be provided reasonable access to technical information, and public information will be made available electronically via the Marion County website when appropriate.
5. Public Works will employ a variety of methods to achieve maximum possible community involvement including, but not limited to: Contacts with minority group leaders and focus group discussions and advertising in minority and diverse language media.
6. Adequate notice shall be given for groups/persons to participate in the process.
7. Adequate analysis, when warranted including use of demographic studies and discussions on impact on minority communities shall be made when conducting planning. At applicable public meetings and hearings, data will be gathered through use of voluntary self-reporting forms which include race and national origin. The acquired data will be placed in the project file and used by the Title VI Coordinator for preparation of the AAR.

B. Design and Engineering / Environmental Activities

1. Marion County Public Works is responsible for transportation improvement projects and environmental permitting for projects. Studies are performed to assess various environmental factors, including the evaluation of demographic data. The analysis and monitoring of this data is critical in determining whether negative impacts/burdens are disproportionately impacting protected populations, and in ensuring the agency's services, projects and programs are being administered without discrimination.

2. Authorities. Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622.

C. Design /Environmental Review Process and Title VI:

1. Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
2. Public Works will monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Public Works will provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Title VI Coordinator, including updated summary lists as applicable. Public Works will also incorporate into the review process, adequate time for the Title VI Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of Public Works' federal-aid highway activities.
3. In order to ensure dissemination of information and foster participation from affected populations, staff will: place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings; and arrange for translation services as needed, particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems. Public notices will be published in other languages in the minorities' media when initial data collection indicates presence of minority population with the project impact area.

Public Notices are posted here: <http://www.co.marion.or.us/PW/Pages/media.aspx>

Information regarding specific projects is posted here:

<http://www.co.marion.or.us/PW/Engineering/Projects/Pages/default.aspx>

Title VI Information is posted here:

<http://www.co.marion.or.us/PW/Engineering/Pages/TitleVI.aspx>

4. Staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. The Title VI Coordinator will receive the compiled data following each meeting.

D. Right-of-way Activities

1. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.

2. Follow adopted Marion County vendor procurement policies in the acquisition of contracted services.
3. Maintain data on awards to DBE appraisal firms and provide data to the Title VI Coordinator for inclusion in the AAR.
4. Follow guidelines for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.
5. Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by ODOT and a copy of the Public Works Title VI Compliance assurances listed in exhibit B to all affected parties.
6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
8. Ensure comparable replacement dwellings are available, and assistance is given to all displaced persons and entities by the property acquisition process.
9. Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects and provide detailed demographic data quarterly to the Title VI Coordinator.


E. Construction and Maintenance Activities

1. Construction Management. The Capital Projects section is located in the Engineering Division and is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Engineering Division Manager. Marion County will include Form FHWA-1273 provisions in all federal-aid construction contracts.
2. Authorities. ODOT Certification Program Office; Local Agency Guidelines for Certified Local Public Agencies; General Conditions for Construction for Marion County; Oregon Standard Specifications for Construction; ODOT Construction Manual; and Marion County Public Works policies and guidelines.
3. Maintenance. The Engineering Division, in conjunction with Operation Division, is responsible for the program for maintaining Marion County roads, bridges, and parks by economically utilizing the resources of contractors, equipment, and materials as they relate to capital transportation projects.

4. Authorities. AASHTO - A Policy on Geometric Design of Highways and Streets; Manual on Uniform Traffic Control Devices (MUTCD); General Conditions for Construction for Marion County; Oregon Standard Specifications for Construction; and Marion County Public Works Engineering Standards.
5. Construction and Maintenance Activities and Title VI:
 - a. Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Public Works Title VI Notice to the Public (Exhibit A) and Assurances (Exhibit B) attached.

Title VI Assurances

1. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
2. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
3. Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
4. Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.



Marion County Public Works Director



Date



Marion County Public Works Title VI Coordinator



Date

Exhibit A

Marion County Public Works Title VI Notice to the Public

Marion County Public Works hereby gives public notice that it is Public Works' policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Public Works receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Public Works. Any such complaint must be in writing and filed with Public Works Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from Public Works at no cost to the complainant by calling (503) 588-5036.

Exhibit B

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

The **Marion County Department of Public Works** (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 **Oregon Department of Transportation (herein referred to as "ODOT") and Federal Highway Administration (herein referred to as FHWA)**, 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 ODOT/FHWA."

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 ODOT Local Agency Certification 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 ODOT Local Agency Certification Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The **Marion County Department of Public Works**, 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, **Marion County** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing **Marion County** 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 **Marion County**. You must keep records, reports, and submit the material for review upon request to **Marion County**, 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.

Marion County 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 ODOT Local Agency Certification Program. This ASSURANCE is binding on Oregon, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the ODOT Local Agency Certification Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Marion County
(Name of Recipient)

by Ben Hill
(Signature of Authorized Official)

DATED 9/5/2024

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, ODOT/FHWA, 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 **ODOT/FHWA** 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 ODOT/FHWA, 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 ODOT/FHWA 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 ODOT/FHWA 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 **Marion County** will accept title to the lands and maintain the project constructed thereon in accordance with State of Oregon, the Regulations for the Administration of ODOT Local Agency Certification Program, and the policies and procedures prescribed by the ODOT/FHWA 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 **Marion County** 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 **Marion County** 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 **Marion County**, its successors and assigns.

Marion County, 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 **Marion County** 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 **Marion County** 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, **Marion County** 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, **Marion County** 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 **Marion County** 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 **Marion County** 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, **Marion County** 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, **Marion County** will there upon revert to and vest in and become the absolute property of **Marion County** 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).

Exhibit C

Marion County Public Works Department

