

LINN COUNTY ROAD DEPARTMENT

TITLE VI IMPLEMENTATION PLAN

OCTOBER, 2021



Linn County Road Department
3010 Ferry Street, S.W.
Albany, Oregon 97322

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AGENCY INFORMATION

AGENCY: Linn County Road Department
(Population under 200,000)

SUBMITTAL DATE: October 4, 2021

EXPIRATION YEAR: 2024

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PREPARED BY: Daineal Malone, P.E., County Engineer

I. INTRODUCTION

In Accordance with Title VI of the Civil Rights Act of 1964, this program reflects the Linn County Road Departments' commitment to ensuring that no person shall, on the ground of race, color, national origin, religion, age, marital status, sexual orientation, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by the Linn County Road Department.

Note: Linn County has a population of less than 200,000. Therefore, an abbreviated Title VI Plan may be adopted and kept on file for review. This Program Management Guidance document serves as the abbreviated Title VI Plan. See Section 9 for content of the abbreviated plan and reporting requirements.

For the purposes of this plan, the terms "County" and "Road Department" shall be read to mean "Linn County Road Department".

II. POLICY STATEMENT

A policy statement signed by the Linn County Roadmaster assuring the County's compliance with Title VI of the Civil Rights Act of 1964 can be found as Attachment A and on the Linn County Road Department website at: <http://www.co.linn.or.us/Roads/Downloads.asp>.

III. TITLE VI NOTICE TO THE PUBLIC

The Linn County Road Department Title VI Notice to the Public is posted on the Linn County Road Department website at: <http://www.co.linn.or.us/Roads/Downloads.asp>. A copy of the public notice can be found as Attachment B.

IV. ORGANIZATION, STAFFING AND STRUCTURE

Title VI Coordinator's Responsibilities and Program Administration:

As authorized by the Linn County Roadmaster, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the Linn County Road Department's compliance with Title VI requirements as follows:

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 Linn County Roadmaster.

Complaints - Review written Title VI complaints that may be received by the Linn County Road Department following the adopted procedural guidelines (see Section VI – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level by utilizing some form of concerns, request mitigation process.

Data Collection - Review the statistical data gathering process performed by County program staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VIII – Implementation Activities (under individual special emphasis program areas)). Project data regarding the race, color, national origin, sex, age, and disability of the property owners of parcels valued, property owners receiving written offers of Just Compensation, and property owners/tenants relocated should be collected. The data should be evaluated to determine if the processes in Right of Way were conducted in a non-discriminatory manner. Any data collected should be collected in a manner that it is reportable upon request from funding agency.

Training Programs – Conduct, facilitate or participate in training programs on Title VI issues and regulations for Linn County Road Department employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of trainings participated in will be reported in the AAR yearly update.

Title VI Implementation Plan Update - Review and update the Linn County Road Department Title VI Implementation Plan when significant staff changes or other information that alters the intent of a section of the document. The steps for approval include presenting the updated Plan to the Linn County Roadmaster for approval; submission of amended Plan to ODOT OCR Title VI Coordinator for approval. The Title VI Implementation Plan is due to ODOTs OCR Title VI Coordinator by October 1st of each three-year cycle. If the County completes a Title VI Implementation Plan for any reason during a three-year cycle before the required three-year submission date; the next three-year cycle will begin as of the next October 1st closest to the last submission of the County's Title VI Implementation Plan.

Annual Accomplishment Report (AAR) - Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year (July 1st through June 30th); identify goals and objectives for the upcoming year as required; and submit by October 1st of each year.

Public Dissemination - Work with Linn County Road Department staff to develop and disseminate Title VI program information to County 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 Linn County Road Department's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of 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.

Elimination of Discrimination - Work with internal Linn County Road Divisions to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Linn County Road department processes.

Maintain Legislative and Procedural Information. Federal laws, rules and regulations, ODOT guidelines, the current Linn County Road Department Title VI Implementation Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the County's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other Linn County Road Department Divisions or the public as requested or required.

Maintain Legislative and Procedural Information - Federal laws, rules and regulations, ODOT guidelines, the current Linn County Road Department Title VI Implementation Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the Linn County Road Department's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other Linn County divisions or the public as requested or required.

V. EDUCATION AND TITLE VI TRAINING

The Title VI coordinator for federal funded projects and any other County Staff serving in the capacity of a project manager for a federally funded project will attend Civil Rights Training provided by ODOT's Certified local agency training program.

The County Engineer may designate other County staff that should attend the Civil Rights training.

In keeping with adopted Linn County Road Department policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. Road Department 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 the following:

- Ensuring overall Title VI related training and staff development for Title VI Coordinators and other Linn County employees
- Organizing or conducting a minimum of one internal Title VI training session annually
- Organizing and facilitating the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically.

VI. TITLE VI COMPLAINT PROCEDURE

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 the Linn County Road 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 Road Department 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 County. Any expense incurred for mediation and arrangement of mediation schedule will be at the burden of the County. All complaints must be reported to ODOT's Office of Civil Rights Title VI/EJ/ADA Manager by the Sub-recipients Title VI Coordinator and reported in the County AAR.

B. Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination may file a written complaint with the Linn County Road Department Title VI Coordinator or with a designated individual or on the Road Department website. A formal complaint (meaning that the complaint is in writing and signed by the complainant), must be filed within 180 calendar days of the alleged occurrence. The County is not required to officially act or respond to complaints made verbally. However, the County is encouraged to assist individuals in working through any concerns, questions, or informal complaints that they may have and bring them to resolution. Any individual that needs assistance in completing a written complaint will receive help from the Linn County Road Department upon request. A sample Linn County Road Department Title VI Complaint Form can be found in Attachment C.

2. Upon receiving a formal written complaint that is signed by a complainant, the Linn County Road Department 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 versus a complaint against the County or ODOT. When a formal written complaint is received, the Road Department is required to forward the complaint to 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 their adopted procedures for investigating discrimination complaints, per their current State Title VI Implementation Plan. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the Linn County Road Department, the appropriate division and/or the Linn County Road Department 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.

3. 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 Road 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 Linn County Road Department and ODOT's AAR that is submitted each year.

4. Within 60 days of receipt of the complaint, the ODOT Title VI Coordinator will prepare a written investigative report for the Road Department Title VI Coordinator and County

Roadmaster. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

5. 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.

6. 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 Road Department's 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

7. An annual Log of Complaints and Concerns must be maintained by the Road Department. 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. The County will not investigate a complaint against itself.

There have not been any complaints filed from 2009 to 2021.

VII. REVIEW AND REMEDIAL ACTION PROCEDURES

The Linn County Road Department Title VI Coordinator will assist ODOT Office of Civil Rights to periodically conduct Title VI compliance reviews of the County 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.

The County 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 the Linn County Road Department fails or refuses to voluntarily comply with requirements within the allotted time frame, the County 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 Linn County has complied with the Title VI Program requirements in correcting deficiencies

previously identified. If the County refuses to comply, the County and ODOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VIII. TITLE VI IMPLEMENTATION ACTIVITIES

A. Planning - Public Involvement in Planning Activities & Title VI

1. Linn County Road Department staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, and national origin. Copies of the completed forms will be provided to the County Title VI Coordinator after each meeting.
2. To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout Linn County, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

B. Design & Engineering / Environmental Activities

1. The Road Department is responsible for transportation improvement projects and environmental permitting for projects. Studies are performed to assess various environmental factors evaluating 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. In order to ensure dissemination of information and foster participation from affected populations, staff will place public notices in applicable general local newspaper or City publications; 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.

The County will publish notices in the Albany Democrat Herald, and will coordinate with the smaller Cities within Linn County to publish notices in their local paper or publications. The County may also mail notices to property owners within an affected area of a project.

3. 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. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

C. Right-of-way Activities

1. The Road Department shall ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
2. Follow adopted County vendor procurement policies in the acquisition of contracted Services.
3. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a yearly basis.
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 appraising 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 Linn County Road Department Acquiring Real Estate for Public Improvement Projects brochure to all affected parties.
6. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
7. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
8. Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data yearly to the Title VI Coordinator.

D. Construction Activities

1. Construction Management Section - This section is located in the Linn County Road Department Engineering Services, and is responsible for administration of all new construction contracts and inspecting bridges. The Engineering Division is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the County Engineer.

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 Linn County Road Department's Title VI Policy Statement and Assurances herein.

2. Title VI Assurances

- a. 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.
- b. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
- c. Monitor all construction operations to ensure nondiscrimination throughout all operations.
- d. Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report; and provide to the Coordinator.
- e. See Attachment D for additional Title VI Assurances

ATTACHMENT A – POLICY STATEMENT

I. Policy Statement, Authorities and Citations

Policy of Nondiscrimination

The Linn County Road 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 Linn County Road Department sponsored program or activity.

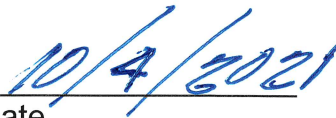
The Linn County Road Department further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Sharing the Title VI Implementation Plan both internally and externally on the County's website, bulletin boards, through training, outreach and through email is a good way to share the Plan with those who have a need to understand it and are interested in knowing that the County is making it a policy to uphold non-discrimination laws and authorities.

In the event the Linn County Road Department distributes Federal aid funds to another entity, the Linn County Road Department will include Title VI language in all written agreements and will monitor for compliance as indicated by ODOT.

Title VI compliance is a condition of receipt for Federal funds. The Linn County Roadmaster, and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



Linn County Roadmaster



Date

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).

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 (Insert any local citations)

II. Organization, Staffing and Structure

Staffing and Structure

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

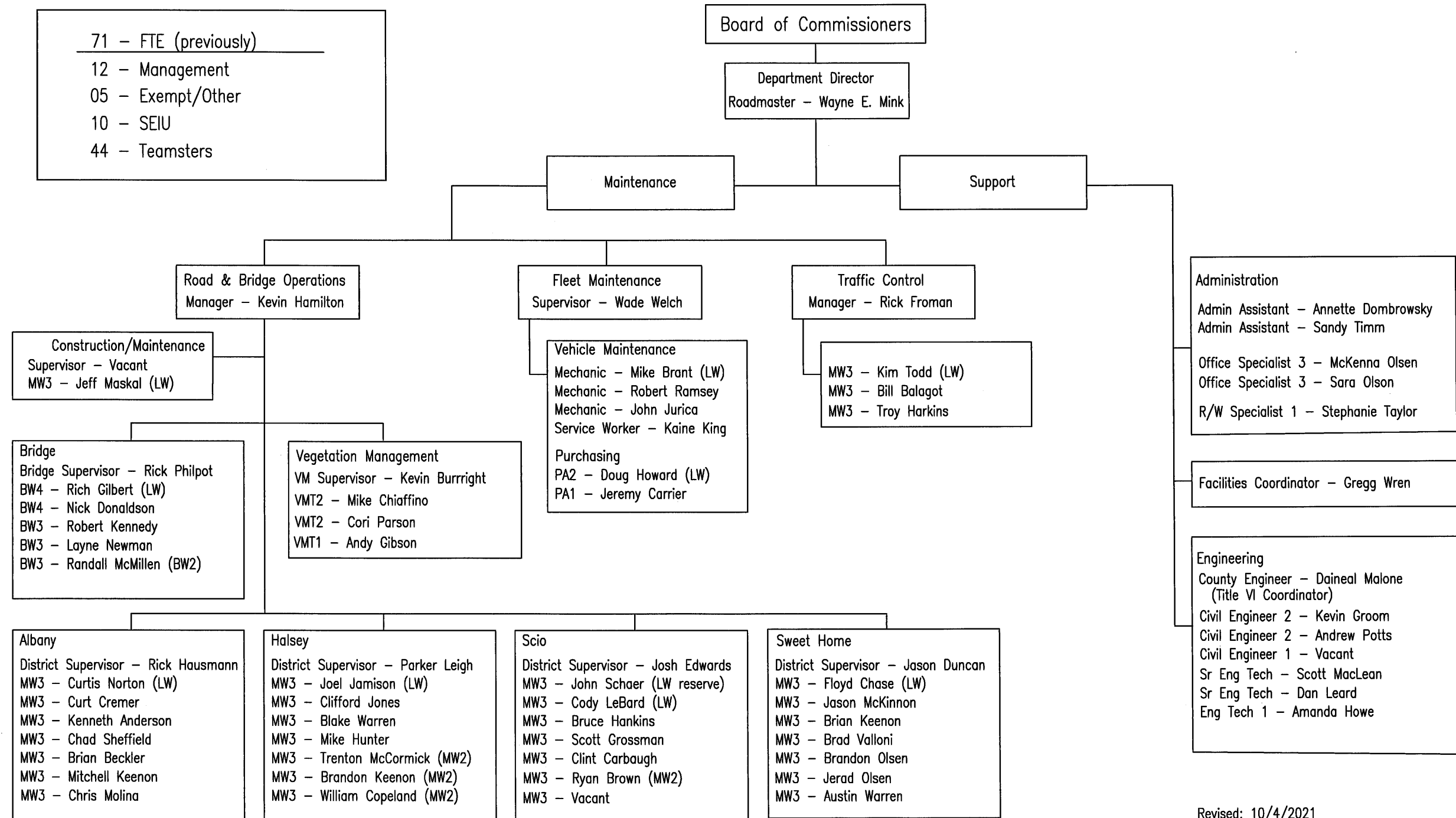
Linn County Roadmaster has delegated the County Engineer to perform the duties of the Title VI Coordinator and ensure implementation of the Road Department's Title VI Federally Funded Transportation Program. The County Engineer has other duties and responsibilities in addition to Title VI. Although the Roadmaster is their direct supervisor, this position shall have an indirect reporting relationship and access to the Linn County Roadmaster.

Organizational Chart

Wayne Mink, PE, is the Linn County Roadmaster and Daineal Malone, PE, is the Linn County Engineer and the Linn County Road Department Title VI Coordinator. See Appendix A for Organizational Chart.

APPENDIX A

Linn County Road Department Organizational Structure



Revised: 10/4/2021

ATTACHMENT B – TITLE VI NOTICE TO THE PUBLIC

The Linn County Road Department hereby gives public notice that it is the County's 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 the Linn County Road Department 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 the Linn County Road Department. Any such complaint must be in writing and filed with the Linn County Road Department 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 the Linn County Road Department at no cost to the complainant by calling (541) 967-3919, or by downloading it from the Linn County Road Department website at:

<http://www.co.linn.or.us/Roads/Downloads.asp>

ATTACHMENT C – TITLE VI COMPLAINT FORM

Linn County Road Department Title VI Complaint Form

Complainant's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Were you discriminated against because of your:

Race

National Origin

Religion

Color

Age

Disability

Sex

Sexual Orientation

Income

Other: _____

Date and time of alleged incident: _____

Location of the alleged incident: _____

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved and if applicable, the vehicle. Be sure to include the names and contact information of any witnesses. If more space is needed, please use additional pages.

Have you filed this complaint with any other federal, state or local agency or with any court?

Yes No

If yes, check and identify all that apply:

Federal Agency _____

Federal Court _____

State Agency _____

State Court _____

Local Agency _____

Please provide information for a contact person at the Agency or Court where the complaint was filed.

Name: _____

Address: _____

City, State, & Zip Code: _____

Telephone Number: _____

Please indicate how this complaint can be resolved and how the problem can be corrected.

Please sign below. You may attach any additional written materials or other information you believe is relevant to your complaint.

Signature

Date

Please mail this form to:

Title VI Coordinator
Linn County Road Department
3010 Ferry St SW
Albany, OR 97322

ATTACHMENT D – TITLE VI ASSURANCES

Linn County Road Department Title VI Assurances

The Linn County Road Department in the State of Oregon, (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with:

Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 through the Oregon Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:

The Linn County Road Department in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall incorporate the provisions of Appendix A and Appendix B of this Assurance in every contract subject to the Act and the Regulations.

4. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

5. 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 shall extend rights to space on, over or under such property.

6. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:

(a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and

(b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

7. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, 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.

8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

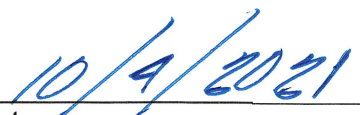
9. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program.

The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.



Linn County Roadmaster



Date

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, Federal Highway Administration, 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 Nondiscrimination 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 Federal Highway Administration 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 Federal Highway Administration, 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 Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration 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 Federal Highway Administration 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

During the performance of the contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination 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); D
- 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).