



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

January 3, 2018

In Reply Refer To: MC-CR
FY 2018 Pre-Award Sedro-
WoolleyPD

Mr. Lin Tucker, Chief of Police
Sedro-Woolley Police Department
325 Metcalf Street
Sedro-Woolley, WA 98284

Dear Mr. Tucker:

We are in receipt of the Sedro-Woolley Police Department's Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Compliance Plan. We have reviewed your FMCSA Title VI Program Compliance Plan and find that the Plan contains all elements stipulated in the FMCSA Title VI Program Compliance Plan Checklist. Therefore, FMCSA approves the Sedro-Woolley Police Department's Title VI Program Compliance Plan for Federal Fiscal Year (FY) 2018. We do request that the Sedro-Woolley Police Department notify FMCSA's Office of Civil Rights should it sub-award FMCSA funds to another Recipient and/or be the object of a Title VI Program compliance review conducted by another Federal agency. In this eventuality, we will coordinate with the Sedro-Woolley Police Department to ensure that the Title VI Program Compliance Plan is updated with the additional information.

On an annual basis, FMCSA's Office of Civil Rights will conduct compliance reviews of a representative sampling of FMCSA Grant Recipients. FMCSA has approximately 125 Recipients annually. If and/or when the Sedro-Woolley Police Department is chosen as one of the FMCSA Grant Recipients' Title VI Program that will be reviewed in a given year, the Office of Civil Rights will use the approved Title VI Program Compliance Plan as the basis for conducting the desk audit and will request additional documentation as deemed appropriate during the review.

In addition, a small number of Recipients who are selected for a Title VI Program compliance review will also be selected for an on-site visit which will include personnel interviews. We appreciate your future assistance in the event the Sedro-Woolley Police Department is chosen for a compliance review in a given year.

If at any time your Agency has Title VI Program-related questions, please do not hesitate to contact Mr. Lester Finkle, National Title VI Program Manager at (202) 366-4474 or lester.finkle@dot.gov.

Sincerely,



for Kennie J. May, Sr.
Director
Office of Civil Rights

Cc: Daniel Eddy, Patrol Officer, Sedro-Woolley Police Department
Jeffrey James, Division Administrator, Washington State Division Office
Don Ross, Safety Programs Manager, Washington State Division Office

Sedro-Woolley Police Department

Title VI Program Compliance Plan

December 2017

**Lin Tucker
Chief of Police
Sedro Woolley Police Department**

I. Policy Statement:

The Sedro-Woolley Police Department (SWPD) assures that no person shall on the grounds of race, color, national origin, sex age, disability, income, or limited English proficiency (LEP) as provided by Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any SWPD sponsored program or activity. The SWPD 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.

Title VI Program compliance is a condition of receipt for federal funds. the SWPD Administrator has delegated authority and responsibility to the Title VI Coordinator and Department Managers to effectively implement the Title VI Program, and to ensure compliance with provisions of this policy and with the law, including the requirements of 49 Code of Federal Regulation (CFR) Part 21 and 49 CFR Part 303.

Lin Tucker, Chief of Police has been designated the Department Administrator and has signed the FMCSA Title VI Program Assurance on behalf of the SWPD.



Chief of Police

12-19-17
Date

II. FMCSA Title VI Program Assurance:

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **Sedro-Woolley Police Department** (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

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

http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

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

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) 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 the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Sedro-Woolley, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award."

3. 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;
4. 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;
5. 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.
6. 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.
7. 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, Sedro-Woolley Police Department also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Sedro-Woolley Police Department gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

William L. Tucker Chief of Police
(Name of Recipient)

by William L. Tucker
(Signature of Authorized Official)

DATED 12-19-17

III. Description of Federal-Aid Programs:

The SWPD will be submitting an application for FY 2017 Motor Carrier Safety Assistance Programs (MCSAP) grant through the Federal Motor Carrier Safety Administration. Funding from this grant allows the SWPD, in collaboration with the Washington State Patrol (WSP) to promote and maintain national programs to improve CMV safety, increase compliance with CMV regulations, and increase public awareness of CMV safety. This funding would provide the means to continue local inspections of CMV's, enforce work zone safety laws, and develop a protocol to inspect passenger motor coaches. All of these efforts will create a safer street community where passenger vehicles' drivers respect CMVs and where CMVs are operated safely, thereby reducing accidents and fatalities.

IV. Notification to Beneficiaries/Participants:

The SWPD operates programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964, the Civil Rights Restorations Act of 1987, and related non-discrimination authorities. Title VI prohibits discrimination in federally assisted program and requires that no person in the Unites States of America shall, on the grounds of race, color, national origin, sex, age, disability, income, or limited English proficiency (LEP), be exclude from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. These protected categories are contemplated within the SWPD's Title VI Programs consistent with federal interpretation and administration and can be found posted in publically-accessed city facilities and located on the city website resources page.

The Sedro-Woolley Police Department Title VI Program Notice to the Public

The Sedro-Woolley Police Department hereby gives public notice that it is the Sedro-Woolley Police Department's policy to ensure that no person shall be on the grounds of race, color, national origin, sex, age, disability, income, or limited English proficiency (LEP), as provided by Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Sedro-Woolley Police Department sponsored program or activity. The Sedro-Woolley Police Department 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.

Additional information regarding the Sedro-Woolley Police Department's nondiscrimination obligations may be requested in writing and submitted to the below listed address:

Sedro-Woolley Police Department
325 Metcalf Street
Sedro-Woolley, WA 98284

Any person who believes they have been aggrieved has a right to file a formal complaint with the Sedro-Woolley Police Department. Any such complaint must be in writing and filed with the Sedro-Woolley Police Department Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. Complaints may be submitted to the below listed address.

Sedro-Woolley Police Department
Attn: Title VI Coordinator
325 Metcalf Street
Sedro-Woolley, WA 98284

Phone number 360-428-3211

V. Sub-Recipient Compliance Reports:

The SWPD will not be sub-awarding any FMCSA funds.

VI. Training:

The SWPD will ensure that staff conducting commercial vehicle compliance actions understand how their activities impact members of the public and especially drivers and owners' of motor carriers. In keeping with adopted SWPD policy of nondiscrimination, department procedures will be followed for employees to have equal access to applicable education and training opportunities. The SWPD will maintain program administration documentation and data necessary for preparation of the annual Title VI training and reports.

The Title VI Coordinator will facilitate training on Title VI Program issues and regulations for SWPD employees; and facilitate Title VI Program training for appropriate staff on an annual basis. Training will consist of the following: Policy Statement, SWPD's adaptation of the FMCSA basic Title VI program power point presentation, and FMCSA Title VI Program Compliance Plan.

Staff members responsible for driver/ vehicle inspection activities will be provided training on Title VI program requirements, and thus given the knowledge for understanding how Title VI program requirements impact how they conduct their inspections activities.

Staff members responsible for enforcement activities will be provided training on Title VI program requirements, and thus given the knowledge for understanding how Title VI program requirements impact how they conduct their enforcement activities.

Staff members responsible for compliance review activities will be provided training on Title VI program requirements, and thus given the knowledge for understanding how Title VI program requirements impact how they conduct their compliance review activities.

Staff members responsible for public education and awareness activities will be provided training on Title VI program requirements, and thus given the knowledge for understanding how Title VI program requirements impact how they conduct outreach activities.

A summary of training conducted will be reported in the annual update.

VII. Access to Records

The SWPD will provide Title VI Program related documents either hard copy and/or electronic upon requested during normal business hours. Documents may be requested as the result of a complaint investigation or compliance review.

VIII. Complaint Disposition Process:

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and related Nondiscrimination authorities relating to any program or activity administered by the SWPD, as well as to sub-recipients, consultants, and contractors. Intimidation and/or retaliation of any kind are prohibited by law.

Every effort will be made to resolve complaints informally at the SWPD level. The option of informal mediation meetings between the affected parties and a designated mediator may be utilized for resolution.

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 SWPD. A formal complaint must be filed within in 180 calendar days of the alleged occurrence. The SWPD will not officially act or respond to complaints made verbally.

Upon receiving the written complaint, the SWPD will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. Once determined to be a valid complaint, the case will be appropriately investigated and documented.

2. If the complaint is against a sub-recipient, consultants, or contractor, under contract with the SWPD the appropriate division and/or the SWPD shall be notified of the complaint, within 15 calendar days.
3. Once the SWPD decides its course of action, the complainant and the respondent will be notified in writing of such within five calendar days. The complaint will be logged into the records of the Title VI coordinator (Complaints Log), and the basis for the allegation identified including race, color, national origin, disability, age, sex, income or LEP.

4. In cases where the SWPD assumes investigation of the complaint, the SWPD will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the SWPD with his/her response to the allegations. If SWPD is the respondent, SWPD will then forward the complaint and response to allegations to the designated Title VI Coordinator for further review and action if necessary.
5. Within 60 days of the complaint, the Title VI Coordinator will prepare a written investigative report for the SWPD Administrator. The report shall include a narrative description of the incident, identification of the persons interviewed, findings and recommendations for disposition.
6. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
7. A copy of the complaint and the SWPD investigative report will be available upon request to FMCSA or its designee.
8. An annual log of Title VI Complaints will be maintained by the SWPD. The log will be made available to FMCSA and any other relevant governmental organization upon request. The log will contain the following formation for each complaint:
 - a. Name, identification by demography, and address of the person filing the complaint
 - b. Allegation
 - c. Date of complaint
 - d. Date of investigation
 - e. Determination made
 - f. Date determination was made
 - g. Any additional information as deemed appropriate
9. Only qualified, well-trained investigator will conduct an investigation.

IX. Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously identified During a Title VI Program Compliance Review:

No Federal Agencies have conducted a compliance review of the SWPD's Title VI program.

X. Community Participation Process:

The SWPD does not provide/conduct motorist licensure/motor vehicle registration-related services/activities. This section is not applicable.