



YUBA COUNTY PUBLIC WORKS FHWA TITLE VI IMPLEMENTATION PLAN

December 8th, 2021

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I. Non-Discrimination Policy Statement

It is the policy of Yuba County Public Works that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Yuba County Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Yuba County Public Works, including its contractors and anyone who acts on behalf of Yuba County Public Works. This policy also applies to the operations of any department or agency to which Yuba County Public Works extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.



Director of Public Works

12/08/2021

Date

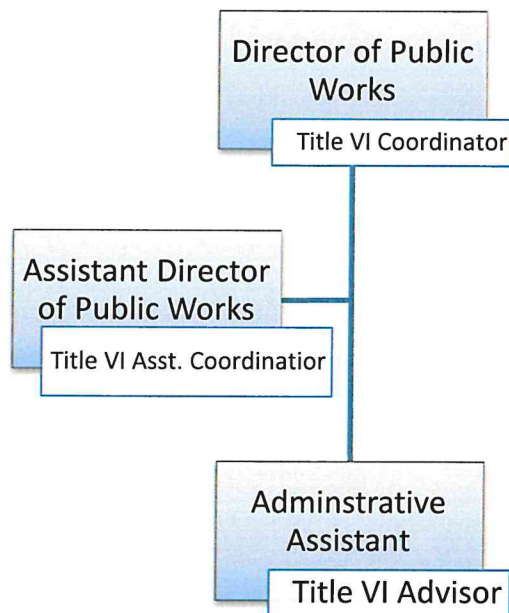
II. Organization, Staffing, and Structure

The Director of Public Works is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

Yuba County Public Works has created the position of Title VI Advisor to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Title VI Advisor is located within Yuba County Public Works.

The Title VI Advisor is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to CalTrans.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.



III. County Overview

Yuba County is situated in the Northern Sacramento Valley, approximately 40 miles north of the State Capitol in Sacramento and two hours away from San Francisco and Lake Tahoe. The boundaries stretch from the farms and orchards of the valley to the timberlands of the Sierras. With an estimated population of 70,000, Yuba County offers its residents the many advantages of a rural lifestyle away from the pressures of the urban areas. The County's rivers, lakes and outdoor recreation areas provide excellent hunting, fishing, boating and skiing opportunities. Our County vision is to create a "golden" future for Yuba County by: Inspiring a community of participation, embracing our unique history, and discovering the wealth of our untapped potential.

Yuba County has a proud tradition of being a stable local government bolstered by five members of the Board of Supervisors who are elected for four year terms on an alternating basis. Each Supervisor represents an election district. Members of the Board of Supervisors serve as the legislative and executive body for Yuba County and provide policy direction for all branches of County government.

The County Administrator serves as chief administrative officer of the County organization and is responsible to manage the organization and carry out the policies set by the Board of Supervisors.

IV. Title VI Complaint Procedures

Discrimination Complaint Procedure for Yuba County Public Works

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any Yuba County Public Works program or activity. This prohibition applies to all branches of Yuba County Public Works, its contractors, consultants, and anyone else who acts on behalf of Yuba County Public Works.

Any person who believes they has been discriminated against based on race, color, or national origin by Yuba County Public Works or a sub-recipient may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The Title VI Advisor processes complaints received no more than 180 days after the alleged incident. The Title VI Advisor will only process complaints that are complete, which include the complainant's contact information, details of the alleged discrimination, and the complainant's signature.

Once the Title VI complaint is received, Title VI Advisor will determine which federal administering agency has jurisdiction to investigate/process the complaint.

Title VI Complaints Processed Under the Federal Highway Administration (FHWA):
Title VI complaints filed with Yuba County Public Works in which Yuba County Public Works is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

Per the FHWA Guidance Memorandum, processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a sub-recipient are to be forwarded to Yuba County Public Works and then submitted by Yuba County Public Works to the FHWA Division Office. Complaints received by a sub-recipient should be sent within one business day of receipt via email to publicworkscomplaint@co.yuba.ca.us. If Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against a sub-recipient can be investigated by Yuba County Public Works, HCR may delegate the task of investigating the complaint to Yuba County Public Works.

Title VI Complaints Processed Under the Federal Transit Administration (FTA):
Title VI complaints filed with Yuba County Public Works in which Yuba County Public Works is named as the Respondent will be investigated by Yuba County Public Works. Per FTA, Title VI complaints are to be handled at the local level or elevated to FTA under egregious Title VI discriminatory circumstances. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and

whether the complaint will be investigated by Yuba County Public Works or forwarded to FTA.

Title VI complaints filed with Yuba County Public Works against a sub-recipient will be investigated by Yuba County Public Works. If the complaint is filed with the sub-recipient, the sub-recipient is responsible for investigating the complaint in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

FTA – Filing a Local Complaint

FTA recommends, but does not require, that individuals first file a complaint directly with their transit provider to give the provider an opportunity to resolve the situation. FTA grantees are required under the ADA, Title VI, and EEO to have local complaint procedures.

Yuba County Public Works Investigation Process

If Yuba County Public Works is delegated the responsibility of performing an investigation, Yuba County Public Works has 90 days to investigate the complaint. If additional time is needed, Yuba County Public Works will call the Complainant and inform them.

If more information is needed to resolve the case, the Yuba County Public Works investigator may contact the Complainant. The Complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the additional information within ten business days, Yuba County Public Works can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

Yuba County Public Works will consult with HCR regarding the disposition of the complaint. Disposition of Title VI complaint will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties.

A person may also file a complaint directly with:

Federal Transit Administration

Civil Rights Division

Attention: Complaint Team

East Building, 5th Floor –

TCR 1200 New Jersey

Avenue, SE Washington,

DC 20590

Federal Highway Administration

U.S. Department of Transportation

Office of Civil Rights

1200 New Jersey Avenue,

SE 8th Floor E81-105

Washington, DC 20590

California Department of Transportation (CalTrans)

Compliance/Title VI Program Branch

1823 14 Street, MS-79th

Sacramento, CA 95811

Title.VI@dot.ca.gov

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue,

NW Washington, DC 20530

Should a complaint be filed with Yuba County Public Works and one with a federal or state agency simultaneously, the federal/state complaint will supersede the County's complaint and the County's complaint procedures will be suspended pending the federal/state agency's findings.

V. Public Participation

Yuba County Public Works is committed to ensuring that projects, programs, and services delivered by the County are sensitive to the various demographic backgrounds within the County. Yuba County Public Work's Public Participation Plan (PPP) for use by any division to promote public involvement in the planning and decision making process of projects, programs, and services.

As a recipient of Federal funding, Yuba County Public Works is required to adhere to Title VI of the Civil Rights Act of 1964 and to integrate the PPP into its Title VI Program. This plan provides guidelines for involving the public to ensure that all groups are represented and their needs considered. Yuba County Public Works is committed to ensuring it serves the residents and businesses of the County fairly, consistently, and in the most cost-efficient and appropriate manner within available resources.

a. Goals and Objectives

The goal of Yuba County Public Work's PPP is to offer a variety of opportunities for the public to engage in planning and decision-making activities.

The objectives of the PPP are as follows:

- To determine what non-English languages and/or other barriers may exist to public participation within the County service area.
- To provide a general notification of meetings for public input, in a manner that is understandable to all populations in the unincorporated service area.
- To hold meetings in locations that are accessible and reasonably welcoming to all area residents, including, but not limited to minority, Limited English Proficiency (LEP), and low-income members of the public.
- To utilize a variety of communication methods to capture public input from populations that are not likely to attend or engage in public meetings.

b. Outreach Efforts

Yuba County Public Works will also provide the public an opportunity to comment at community meetings via online platforms. Yuba County Public Works will engage the community through the County's website and social media. Yuba County Public Works staff and/or a contracted non-English interpreter for LEP will attend community meetings to inform residents of Yuba County Public Works services and provide them an opportunity to express their input in a language they are comfortable communicating in upon request. The following techniques may be used to inform, educate, and gain input from the public about the

County's projects, services, or activities:

- Surveys or questionnaires - mail-in, online, telephone, personal interview and/or door-to-door
- Comment cards at all public meetings, presentations, workshops, etc.
- Articles or press releases in the appropriate publications
- Timely consultation with advisory committees and councils
- Distribution of informal reports, flyers, or brochures
- Informal presentation at regional sites, open houses, or other community forums
- Formal presentations to various service clubs and civic and professional groups
- Information about meetings, public hearings, and special events on the County's website
- Direct mailings to those expressing interest in or commenting about certain topics
- General mailings with posters and flyers to area post offices and appropriate agencies, offices, and organizations for distribution to citizen

c. Demographics

The following table details the primary languages spoken at home among the residents that reside in the County with a population average of 70,367.

Primary Language	Speaks English			
	Very Well	Less than "Very Well"	% Very Well	% Less than "Very Well"
English	52537	0	74.66%	0%
Spanish	8141	4587	11.56%	6.52%
Other Indo-European Languages	1242	278	1.76%	0.40%
Asian and Pacific Islander Languages	3481	1034	4.95%	1.47%
Other Languages	379	148	0.53%	0.21%

Resource: United States Census American Community Survey (5-year estimates, 2015-2019)

2019: ACS 5-Year Estimates Data Profiles

<https://data.census.gov/cedsci/table?q=DP02&g=0500000US06115&tid=ACSDP5Y2019.DP02&hidePreview=true&moe=false>

VI. Notice of Rights

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

Yuba County Public Works operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Yuba County Public Works program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with Yuba County Public Works Title VI Advisor or the California Department of Transportation.

To file a Title VI discrimination complaint, contact:

Yuba County Public Works
915 8th Street, Suite 125
Marysville, CA 95901
(530) 749-5420
publicworkscorplaints@co.yuba.ca.us

VII. Limited English Proficiency Populations

A LEP individual is someone with limited ability to read, write, speak, or comprehend English. Reasonable efforts will be made to engage LEP populations utilizing techniques, such as the development of public notices in appropriate non-English Languages that will provide contact information where individuals can be informed of the affected project or services to provide input and comments. Other efforts may include conducting focus groups in areas with high concentrations of LEP populations for the purpose of gaining input from a particular defined portion of the community. In addition, non-profit organizations and other advocacy groups can be utilized to disseminate and provide insight into the needs of LEP populations.

VIII. Limited English Proficiency Program

In accordance with Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency", Yuba County Public Works will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons

who are served by Federal-aid programs administered by Yuba County Public Works are provided, free of charge, meaningful access to programs, services, and information without unduly burdening the fundamental activities of Yuba County Public Works.

As appropriate, and absent any existing Federal or State requirements, Yuba County Public Works will conduct an LEP Needs Assessment using a Four Factor Analysis to identify the need to provide reasonable steps to ensure meaningful access by Limited English Proficiency (LEP) persons to Federal-aid programs administered by Yuba County Public Works.

IX. Low-Income Populations

Yuba County Public Works will identify low-income populations within the service area. The low-income threshold will be defined as households with a per capita income of 80 percent or less of the national average. Low-income populations in the County will be given reasonable opportunity to provide input on plans and programs to avoid disproportionate harm or lack of benefit.

X. Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), Yuba County Public Works will identify and address the environmental effects of programs, policies, and activities on minority and low income populations. Yuba County Public Works will consider demographic data into their project design and involve the public in the planning and development process to assess the environmental impacts of projects on the community. The public's input and data analysis enable Yuba County Public Works to develop measures to mitigate any potential adverse effects on minority and low-income populations. Yuba County Public Works is not required to conduct environmental justice analyses of projects where NEPA documentation is not required.

XI. Data Collection

Demographic and related data collected and used by Yuba County Public Works comes from governmental sources responsible for collecting and vetting the information for consistency and accuracy. These sources include, but are not limited to, the U.S. Bureau of Labor Statics, U.S. Census Bureau, U.S. Bureau of Economic Analysis, California Department of Finance, California Department of Labor, and the California Employment Development Department.

Yuba County Public Works may also collect project specific demographic data utilizing

data collection forums as appropriate in conjunction with the PPP.

XII. Title VI Construction Contract Provisions

Yuba County Public Works will include the provisions indicated in the "Administering Agency-State Agreement for Federal-Aid Projects Master Agreement" (Appendix A of Exhibit B) in the Local Assistance Program Manual (LAPM) in contracts and agreements, where applicable, between the County and contractors.

Federal-aid construction contracts currently include provisions, which require compliance with Title VI. The specific contract provision language is included in the FHWA Form 1273 that is physically inserted in the federal-aid construction contract.

The "Local Agency Construction Contract Administration Checklist" (Exhibit 15A of the LAPM), confirms that DBE and labor/Equal Employment Opportunity (EEO) compliance requirements are performed and documented in the project files. Exhibit 15 A of the LAPM documents that the local agency will meet all the requirements prior to the award of a construction contract.

The "Resident Engineer's Construction Contract Administration Checklist" (Exhibit 15-B of the LAPM) is completed by the Resident Engineer. The checklist assists in administering federal-aid highway construction projects. It also provides a record that the EEO/Wage Rate/False Statements posters are being posted at specific locations that employee interviews will be conducted in accordance with the Labor Compliance/EEO interview form, and that DBE requirements are met. Yuba County Public Works will continue to submit Exhibit 15-B, along with the Award Package shortly after award of the construction contract (See Chapter 15, "Advertise and Award Project," of the LAPM).

XIII. Training

Yuba County Public Works will provide Title VI training to employees of Yuba County Public Works. These trainings are offered at minimum every two years. Trainings will be offered online or through an instructor-led class. Additional resources are provided on the County's website to enhance the learning objectives. The following components will be covered to ensure compliance.

1. Review of Yuba County Public Work's Title VI Policy, PPP and LEP Plans.
2. Types of language assistance services offered to the public.
3. How to handle a potential complaint.
4. Where to seek assistance for Title VI questions and concerns.
5. Some employees will be provided training on DBE and Americans with Disabilities Act compliance, as necessary.

XIV. Annual Work Plan

Yuba County Public Works will annually establish and monitor program goals and accomplishments. The Title VI Coordinator will ensure that employee training is conducted, language translation services continue to be available, public participation is optimal, and appropriate Title VI signage is posted. This also includes updating community statistics and corresponding with federal agencies as necessary.

APPENDIX A

I. INTRODUCTION

This Limited English Proficiency Plan has been prepared to address the Title VI responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

Plan Summary

Yuba County Public Works has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the system used the four-factor LEP analysis which considers the following factors:

- 1. The number or proportion of LEP persons in the service area who may be served by Yuba County Public Works*
 - 2. The frequency with which LEP persons come in contact with Yuba County Public Works services.*
 - 3. The nature and importance of services provided by Yuba County Public Works to the LEP population.*
 - 4. The interpretation services available to Yuba County Public Works and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section*
-

II. FOUR-FACTOR ANALYSIS

- 1.** The number or proportion of LEP persons in the service area who may be served or are likely to require Yuba County Public Works services.

Yuba County Public Works staff reviewed the U.S. Census Report and determined that 70,367 persons in Yuba County, California, 25% of the population speak a language other than English. Of those 17,830 persons, 33.9% have limited English proficiency; that is, they speak English "not well" or "not at all", this is only an 8.6% of the overall population in Yuba County. In Yuba County of those persons with limited English proficiency, 6.5% speak Spanish, and 1.4% speak an Asian and Pacific Island language.

- 2.** The frequency with which LEP persons come in contact with Yuba County Public Works services.

Yuba County Public Works staff reviewed the frequency with which staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, Yuba County Public Works has had no requests for interpreters and no requests for translated program documents.

- 3.** The nature and importance of services provided by Yuba County Public Works to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for Yuba County Public Works of the majority of the population 91% speak English well. As a result, there are few social, service, professional and leadership organizations within Yuba County Public Works service area that focus on outreach to LEP individuals. Yuba County Public Works and staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications from public works staff of impacts on services and attendance at Board meetings.

- 4.** The resources available to Yuba County Public Works and overall costs to provide LEP assistance.

Yuba County Public Works reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise and contacted local citizens that would be willing to provide voluntary Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through a telephone/internet interpreter for which Yuba County Public Works would pay a fee.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Yuba County Public Works services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

Identifying an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand at initial points of contact. Yuba County Public Works will display HUD's language Identification ("I SPEAK") cards in the Community Development & Services Agency lobby.
- Office staff will also be provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- All Public Works staff will be informally surveyed periodically on their experience and frequency concerning any contacts with LEP persons during the previous year.
- Translation may not be able to be provided at every event but can easily be identified for the need for future events.

Language Assistance Measures-Although there is a very low percentage in Yuba County of LEP individuals, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures:

1. Yuba County Public Works staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - i. Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
 - ii. Language interpretation will be accessed for all other languages through a telephone interpretation service/internet

IV. STAFF TRAINING

The following training will be provided to all staff:

- *Information on the Title VI Policy and LEP responsibilities; Every two years and upon hire*
- *Description of language assistance services offered to the public; in person and telephone*
- *Use of the "I Speak" cards*
- *Documentation of language assistance requests*

V. TRANSLATION OF DOCUMENTS

- *Yuba County Public Works evaluated the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.*
- *Due to the very small local LEP population, Yuba County Public Works does not have a formal outreach procedure in place. However, when and if the need arises for LEP outreach, Yuba County Public Works will consider the following options:*

When staff prepares a document, advertisement or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

VI. MONITORING

Monitoring and Updating the LEP Plan- Yuba County Public Works will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the U.S. Census is available; or when it is identified a higher concentration of LEP individuals are present in Yuba County Public Works service area. Updates will include:

- *Determination of the current LEP population in the service area.*
- *The number of documented LEP person contacts experienced annually.*
- *How the needs of LEP persons have been addressed.*
- *Determination as to whether the need for translation services has changed.*
- *Determine whether local language assistance programs have been effective and sufficient to meet the need.*
- *Determine whether Yuba County Public Work's financial resources are sufficient to fund language assistance resources needed.*
- *Determine whether Yuba County Public Works fully complies with the goals of this LEP Plan.*

VII. DISSEMINATION OF YUBA COUNTY PUBLIC WORKS LEP PLAN

Post signs at Yuba County's Community Development & Services Agency lobby notifying LEP persons of the LEP Plan and how to access language services.

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 provides 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 subjected to discrimination under any program or activity receiving federal financial assistance." Related statutes provide protection against discrimination on the basis of sex, age, disability, and socioeconomic status.

Any person who believes they have been discriminated against may file a written complaint within 180 days of the alleged discrimination. Additional information and Title VI Discrimination Complaint Forms can be obtained on Yuba County Public Work's website at https://www.yuba.org/departments/community_development/public_works/index.php

To file a Title VI discrimination complaint, contact:

**Yuba County Public Works
915 8th Street, Suite 125
Marysville, CA 95901
(530) 749-5420
publicworkscomplaints@co.yuba.ca.us**

APPENDIX C

TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance". If you wish to submit a Title VI complaint to Yuba County Public Works, please complete this form and send it to:

YUBA COUNTY PUBLIC WORKS
915 8TH STREET SUITE 125
MARYSVILLE, CA 95901
P (530) 749-5420
F (530) 749-5424
PUBLICWORKSCOMPLAINTS@CO.YUBA.CA.US

PLEASE PRINT CLEARLY

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone: Home _____ Cell _____

If applicable name and title of persons(s) who allegedly discriminated against you: _____

Please check which of the following best describes the type of discrimination experienced:

- ☐ Race
☐ Color
☐ National Origin

What date did the alleged incident take place: _____

Name the location where the alleged incident took place: _____

Is this activity or incident still on going? _____

In your own words, please describe the alleged incident and explain what happened and whom you believe was responsible. _____

Please list any person(s) we may contact for additional information to support your complaint.

Have you filed this complaint with any other federal and state agency, or with any federal or state court? ☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency ☐ Federal Court ☐ State Agency ☐ State Court

Please provide the name and phone number of the contact persons at the agency/court where the complaint was filed: _____

Please sign below and attach any written or other information that you think is relevant to your complaint.

Signature: _____ Date: _____

APPENDIX D

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 Nondiscrimination 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, national origin, age, sex, or disability 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. **Solicitation 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, national origin, age, sex, or disability.
 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 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 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 FHWA may determine to be appropriate, including, but not limited to:
 1. withholding payments to the contractor under the contract until the contractor complies; and/or
-

2. 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 FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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 the California Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 U.S.C., the regulations for the administration of the preceding statute, and the policies and procedures prescribed by the 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 the California Department of Transportation 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 the California Department of Transportation 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 the California Department of Transportation, its successors and assigns.

The California Department of Transportation, in consideration of the conveyance of said lands and interest 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 the California Department of Transportation will use the lands and interests in lands and interest 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 lands, 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 the California Department of Transportation 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, the California Department of Transportation 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, the California Department of Transportation 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 the California Department of Transportation 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 the California Department of Transportation 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 furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, 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 of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (license, permits, 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, the California Department of Transportation will there upon revert to and vest in and become the absolute property of the California Department of Transportation 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 CR 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 U.S.C. § 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 of 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 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 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*).