

**RESOLUTION NO. 839-25**  
**A Resolution of the Commission of the Port of Port Townsend**

**ADOPTING THE PORT OF PORT TOWNSEND**  
**TITLE VI COMPLIANCE PLAN & PROGRAM**

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.* (“the Act”) prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, any entity receiving funding either directly or indirectly from the U.S. Federal Government must ensure that it complies with the requirements of the Act and all applicable implementing regulations; and

WHEREAS, the Port of Port Townsend (the “Port”) routinely seeks and obtains funding assistance from federal agencies including, but not limited to the U.S. Department of Transportation (DOT), Maritime Administration (MARAD), and the Federal Aviation Administration (FAA), as well as the U.S. Department of Commerce, Economic Development Administration (EDA); and

WHEREAS, the Commission of the Port of Port Townsend (the “Commission”) intends that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of the Port’s programs or activities, regardless of funding source; and

WHEREAS, the Port is required to adopt, implement, and periodically update a Title VI Compliance Plan & Program to ensure compliance with the Act; and

WHEREAS, the Port is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities for the delivery of equitable and accessible facilities and services; and

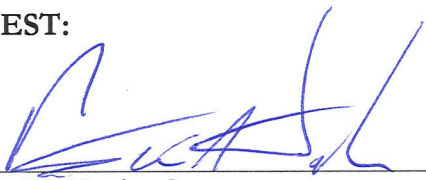
WHEREAS, the Commission has reviewed and considered the Title VI Program & Plan (which includes a Language Assistance Plan) which is attached hereto as Exhibit “A” and incorporated herein by this reference, and wishes to adopt and implement the same to ensure the Port’s compliance with the Act;

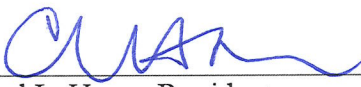
**NOW, THEREFORE, BE IT RESOLVED** by the Commission of the Port of Port Townsend, as follows:


1. **Findings:** The recitals above are incorporated into this resolution as findings.
2. **Title VI Compliance Plan & Program Adopted:** The Port Commission hereby adopts the Title VI Compliance Plan & Program which is attached hereto as Exhibit “A.”

**ADOPTED this 12<sup>th</sup> day of March 2025, by the Commission of the Port of Port Townsend** and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

**ATTEST:**

  
\_\_\_\_\_  
Peter W. Hanke, Secretary

  
\_\_\_\_\_  
Carol L. Hasse, President

  
\_\_\_\_\_  
Pamela A. Petranek, Vice President

APPROVED AS TO FORM:


  
\_\_\_\_\_  
Port Attorney



Exhibit “A” to Resolution 839-25

# Title VI Compliance Plan & Program

Port of Port Townsend

**MARCH 2025**



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## Introduction & Overview

The Port of Port Townsend’s mission is to serve the residents of Jefferson County by responsibly developing, maintaining, and stewarding property and facilities to promote sustainable economic growth, to provide community access to Port facilities and services, and to protect and maintain our environment, community resources, and maritime heritage. As a recipient of federal financial assistance from a number of federal agencies, including the U.S. Department of Transportation (USDOT), the Port is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

No person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The U.S. Department of Justice (USDOJ), as the federal government’s coordinating agency for Title VI, implemented its Title VI program in 28 C.F.R. Part 42. All federal agencies are directed to enact “rules, regulations, or orders of general applicability” to achieve the statute’s objectives. USDOT implemented its Title VI program in 49 C.F.R. Part 21.

The Port of Port Townsend, a special purpose government which is the recipient of federal assistance, must establish a Title VI compliance program for all sub-recipients, contractors, consultants, and tenants who are direct or indirect sub-recipients of federal funding through the Port. The Title VI/ADA Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and enforcing the requirements of this program.

The Title VI/ADA Coordinator may be contacted as follows:

**Title VI/ADA Coordinator**  
2701 Jefferson St  
Port Townsend, WA 98368  
P.O. Box 1180  
(360) 385-0656  
[civilrights@portofpt.com](mailto:civilrights@portofpt.com)

## Demographic Information

The table below provides an overview of demographic information for Washington State, Jefferson County, and Port Townsend, WA. The information was sourced from 2023 US Census Bureau data (<https://data.census.gov>) and serves as the basis for the actions implemented in this program.

<b>DEMOGRAPHIC OVERVIEW</b>			
<b>Category</b>	<b>Washington State</b>	<b>Jefferson County</b>	<b>ZCTA5 98368 (Port Townsend)</b>
<i>Population</i>	7,705,281	32,977	16,567
<i>Employment Rate</i>	61.1%	39.6%	39.3%
<i>Median Age</i>	38.6	59.5	59.5
<i>Disabled Population</i>	13.9%	20%	20.3%
<i>Foreign-Born Residents</i>	15.5%	5.3%	5.8%
<i>Poverty Rate</i>	10.3%	12.6%	12.8%
<i>Not English Proficient</i>	7.9%	2.0%	2.8%
<i>Median Household Income</i>	\$94,605	\$71,143	\$67,061
<b>RACE AND ETHNICITY</b>			
<i>American Indian and Alaska Native</i>	121,468	565	172
<i>Asian</i>	730,468	497	286
<i>Black or African American</i>	307,565	207	91
<i>Hispanic or Latino</i>	1,059,213	1,305	669
<i>Native Hawaiian and Other Pacific Islander</i>	64,933	50	24
<i>Not Hispanic or Latino</i>	4,918,820	28,216	14,206
<i>Other</i>	513,140	518	266
<i>Two or More Races</i>	836,659	2,552	1,329
<i>White</i>	5,130,920	28,588	14,399

## Notification to Beneficiaries/Participants

A Notification to Beneficiaries/Participants, included in this document as **Attachment A**, informing the public of their rights under Title VI of the Civil Rights Act and the Americans with Disabilities Act, has been posted at the following locations on Port property, which are staffed by Port personnel and accessible by members of the public:

- Port of Port Townsend Administration Building
- Boat Haven Moorage Office
- Point Hudson Moorage Office
- Herb Beck Marina Moorage Office
- Point Hudson Pavilion Building

This notice can be located on the Port’s website by navigating to the “Title VI/ADA” page linked in the footer of the homepage or by visiting this URL: <https://portofpt.com/title-vi-ada/>.

## Complaint Procedures

A copy of the Port's Title VI and ADA complaint procedures is available in this document as [Attachment B](#). A copy of the complaint form is included as [Attachment C](#).

The Port's designated Title VI/ADA Coordinator role is held by the Project Administrator. Contact information is provided below and is available on the Port's website at <https://portofpt.com/title-vi-ada/>.

**Title VI/ADA Coordinator**  
P.O. Box 1180  
Port Townsend, WA 98368  
Phone: 360-385-0656  
Email: [civilrights@portofpt.com](mailto:civilrights@portofpt.com)

## External Lawsuits, Investigations, or Complaints Alleging Discrimination

The Port has not been the subject of any external lawsuits, investigations, or complaints alleging discrimination on the basis of race, color, national origin, or disability within the last five years.

## Status of Corrective Actions to Address Deficiencies

The Port does not have any ongoing civil rights compliance reviews or reviews completed within the last five years.

## Planning and Advisory Board Membership

The Port is committed to a selection process of its non-elected committees and councils that encourages participation and interest from diverse backgrounds and perspectives and does so by employing the following strategies:

1. **Outreach and Recruitment:** The Port actively promotes openings through a variety of channels to ensure broad visibility and engagement. This includes outreach via community organizations, local tribes, social media, and other outlets (please see the [Community Participation Plan](#) for more information on outreach strategies employed by the Port). By reaching beyond traditional networks, the Port seeks to attract an applicant pool that reflects the broader community it serves.
2. **Selection Criteria:** In evaluating candidates for committee membership and service, the Port prioritizes background & lived experience, technical expertise & professional qualifications,



and proximity to impact of the issue for which the council is being convened. This approach prioritizes a wide range of insights and backgrounds so that the Port may make more informed and representative decisions.

3. **Community Partnerships:** The Port has developed relationships with a number [community stakeholder and advocacy groups](#), which has been critical to the recruitment of representative committees. These partnerships expand awareness of opportunities to serve on committees and help disassemble barriers to participation (e.g., lack of awareness or unfamiliarity with the application process).
4. **Transparency and Accessibility:** The Port is committed to making participation as accessible as possible. Information about openings is widely publicized, the application process is designed to be straightforward, and assistance is available for those who may need help navigating it. Additionally, the Port ensures that meeting schedules and formats are accommodating to a variety of needs, including work and family obligations, so that a broader range of individuals can participate.

Through these efforts, the Port aims to create representative decision-making and advisory bodies that welcome diverse perspectives and ensure that its committees reflect the interests and perspectives of the entire community it serves.

## Legacy Infrastructure

The Port recognizes its responsibility and commitment to providing equal access to all individuals, regardless of disability, and is dedicated to complying with the Americans with Disabilities Act (ADA) standards. This ADA Transition Plan outlines the steps the Port will take to ensure that all facilities, infrastructure, and services meet or exceed ADA standards, specifically addressing any legacy infrastructure or facilities that are not yet compliant.

## Assessment

The Port has conducted a thorough review of its existing facilities, including buildings, piers, transportation routes, and public access areas, to identify any legacy infrastructure that may not be fully compliant with ADA standards. This includes:

- Building Access points (e.g., entrance doorways, accessible ramps)
- Parking facilities (pedestrian route of travel, parking spaces, access aisles)
- Restrooms and shower facilities
- Boat Ramps and Handling Floats
- Aviation support facilities (e.g. fueling stations, EV charging facilities)
- Wayfinding signage
- Paths of travel
- Service counters, kiosks, and public amenities

Following this review, the Port has identified certain legacy infrastructure elements that need modifications to meet the latest ADA standards. These facilities may have been built prior to the enactment of the ADA or without full adherence to current accessibility guidelines.

## Plan for Addressing Non-Compliant Legacy Infrastructure

To bring all identified legacy infrastructure into ADA compliance, the Port will implement the following strategies through the adoption and revision of its Comprehensive Scheme of Harbor Improvements (CSHI), Strategic Plan, and 5-year Capital Improvement Program (CIP):

### *Incorporation into Capital Improvement Plan*

- For all capital improvement projects, ADA compliance will be a primary consideration. These projects will be designed and constructed with accessibility at the forefront, ensuring that all new developments and renovations meet ADA standards and applicable building Codes, including WAC 51-50 and the International Building Code, as adopted by the jurisdiction in which the facility is located (either City of Port Townsend or Jefferson County).
- Legacy infrastructure identified in need of upgrades will be integrated into these capital improvement projects as they are phased into the overall renovation schedule. This will allow the Port to systematically address and replace non-compliant elements without requiring standalone, disruptive work.

### *Phased Implementation and Prioritization*

- **Priority 1:** Address high-impact areas where accessibility barriers create the greatest challenge to individuals with disabilities. These include critical pathways, high-traffic areas or high-use areas (such as entrances and parking lots), and facilities providing public services.
- **Priority 2:** Focus on upgrading secondary areas, such as service areas, less-frequented paths, or remote facilities.
- **Priority 3:** Complete remaining minor upgrades, such as signage, small repairs, or aesthetic updates to improve overall accessibility.

### *Periodic Accessibility Audits*

- The Port will conduct biennial accessibility audits to monitor compliance and identify any further issues that may arise due to changes in regulations or shifts in the needs of the community.
- These audits will provide critical feedback for refining the implementation timeline and ensuring that the transition plan remains responsive to evolving requirements.

### *Training and Education*

- Port staff will undergo ADA training to ensure that all personnel understand their role in maintaining accessible services and spaces.
- This training will help address both physical infrastructure and any programmatic barriers to accessibility.



### *Public Communication and Feedback Mechanism*

- The Port will maintain an open communication channel for feedback from the public and users with disabilities. This will help identify areas where accessibility might be overlooked or not fully addressed.
- A Title VI/ADA Coordinator has been established for reporting ADA-related issues or concerns.

The Port is committed to creating a fully accessible environment by incorporating ADA-compliant upgrades in all capital improvement projects. Legacy infrastructure that does not meet current ADA standards will be prioritized, and the Port will systematically incorporate these upgrades over time. This approach ensures that the Port not only meets legal requirements but also serves as a model for accessibility and inclusion.

## Standard Assurances & Compliance Monitoring

The Port of Port Townsend is responsible for monitoring its sub-recipients (e.g., contractors, consultants, tenants) of federal funding for compliance with Title VI non-discrimination requirements.

### Standard Title VI Assurances & Provisions

A copy of the Port's signed USDOT Standard Title VI Assurances & Provisions is included in this document as [Attachment D](#).

### Compliance Monitoring

The Port is committed to ensuring compliance with Standard Title VI Assurances across all its sub-recipients and tenants. The following monitoring framework has been established to ensure that oversight mechanisms are in place, that corrective measures are responsive, and that clear channels of communication are in place to uphold federal non-discrimination requirements:

#### *Oversight Procedures and Documentation*

- **Pre-Award Review:** Before approving a lease, lease renewal, or contract, the Port reviews applicants' or bidders' Title VI compliance history. Entities must certify compliance by signing the Standard Title VI Assurances & Provisions and submit any required documentation requested by the Port.
- **Grievance Procedure and Policy:** Tenants and contractors are made familiar with the Port's Title VI and ADA compliant process at the time of the execution of an agreement to ensure that members of the public are directed to the Port for recourse in the event of a Title VI or ADA deficiency or violation.

#### *Regular Monitoring and Compliance Reviews*

- **Scheduled Compliance Audits:** Tenants or contractors with a history of Title VI non-compliance will participate in scheduled audits conducted by the Title VI/ADA Coordinator for routine review of policies and service practices to ensure compliance with Title VI and ADA.

- **On-Site Inspections:** With the support of the Title VI/ADA Coordinator, the Lease and Contracts Administrator will conduct physical site visits to observe operations, review signage for accessibility, and interview staff and/or community members regarding issues of discrimination in service or access.
- **Bi-Annual Review of Complaints and Grievances:** The Port will conduct bi-annual reviews of Title VI/ADA complaints, including response procedures and resolution outcomes, to ensure any habitually non-compliant tenants, consultants, or contractors are flagged and intervention is initiated in a timely and responsive manner.

#### *Identification and Correction of Deficiencies*

- **Written Notice and Compliance Plan:** If habitual non-compliance or deficiencies are identified, the Port will provide a written notification of deficiencies, outlining necessary corrective actions and deadlines for resolution.
- **Technical Assistance and Support:** The Port offers guidance and resources as support to the entity to correct deficiencies, including policy templates provided by the Title VI/ADA Coordinator, recommended best practices, and improvements to accessibility to services.
- **Follow-Up Reviews:** After a correction deadline, the Title VI/ADA Coordinator will conduct a follow-up review to verify implementation and compliance. If non-compliance persists, enforcement actions may be considered, such as lease/contract termination.

#### *Ongoing Communication and Engagement*

- **Public Awareness Campaigns:** The Port ensures that Title VI notices are posted in public areas and on its website so that the public is informed of their rights and that concerning practices or deficiencies of Port tenants and/or contracts are reported to the Port.
- **Feedback Channels:** Tenants, contractors, and members of the public may contact the designated Title VI/ADA Coordinator at the Port to report non-compliance, deficiencies, or seek information and support in adhering and upholding these requirements.

Through this framework of oversight procedures, the Port of Port Townsend is well-equipped to ensure that all tenants and contractors operate in full compliance with Title VI.

## Community Participation Plan

The Port has established public involvement strategies and procedures to accommodate, encourage, and monitor the participation of all members of its constituency with its Community Participation Plan. This plan captures conventional and non-traditional methods of soliciting public involvement already implemented by the Port, as well as additional outreach strategies that the Port intends to immediately incorporate.

These practices ensure that the Port obtains meaningful public participation from diverse viewpoints in our community by:

- employing a wide range of outreach methods (e.g., written, virtual, audio/radio, in-person events, physical publications)
- increasing accessibility to content and events, and
- proactively engaging and involving members of the broader community who do not directly interface regularly with the Port (i.e., community members who are *not* Port tenants, customers, or belong to partnering organizations).

## Community Involvement Methods & Strategies

### *Commission Meeting Accessibility*

The following strategies have been put in place in an effort to encourage attendance at and participation in Port Commission meetings:

- **Zoom** – Both in-person and virtual attendance options via Zoom are made available for every public meeting.
- **Materials** – Meeting agendas and materials are posted on the Port’s website 5 days in advance. Members subscribed to the Port’s newsletter receive a notification as soon as materials are made available to ensure members of the public have adequate time to review and articulate feedback or concerns.
- **Scheduling** – The Port holds two (2) Commission meetings monthly. In an effort to accommodate a variety of work schedules, the first meeting is held in the late morning & early afternoon and the second monthly meeting is held in the evening.
- **Comment** – Public comment is accepted in writing prior to the meeting, in-person, or via Zoom for virtual attendees. Once Commission meeting materials are posted on the Port’s website, public comment is solicited via email and sent to all newsletter subscribers.
- **Audio/Visual** – The Port has recently invested in a new AV system upgrade to its Pavilion Building at Point Hudson, where Commission meetings are held bi-monthly. These improvements include:
  - High quality audio and visual recordings;
  - Improved in-person attendee experience with audio amplification;
  - Hearing assistance devices made available for those with hearing difficulties as well as hands-on trained personnel available to assist at all meetings; and
  - Auto-generated captions available live for virtual attendees.

### *Community Events*

The Port partners with the Production Alliance, a local 501(c)(3) organization with a mission to build community on the Olympic Peninsula, to put on a series of events open to all members of the public. In 2024, the Port sponsored the events listed in the table below. The Port plans to continue hosting those events indicated as occurring annually.

EVENT NAME	DATE	DESCRIPTION
<b>Point Hudson Breakwater Grand Re-Opening</b>	4/24/24	“We couldn’t have done it without you!” celebration with community members and

		partnering agencies to mark the grand re-opening of the Point Hudson Jetty, a nearly two-decade long project with significant community interest, involvement, and support.
<b>Quilcene End of School Party</b>	6/21/24	End of the school year community party held at the Port-owned and operated Herb Beck Marina with games, activities, and a Port information booth.
<b>Airport Day (Annual)</b>	8/3/24	A celebration of aviation at the Jefferson County International Airport (JCIA), owned and operated by the Port of Port Townsend. Includes helicopter and historic aircraft rides, classic car shows, live music, food vendors, face painting, etc.
<b>Boatyard BBQ (Annual)</b>	9/26/24	A recognition and celebration of the marine trades at the Port, as well as a welcome back to the Alaskan fishing fleet.

### *Community Stakeholder and Advocacy Groups*

The list below provides an overview of stakeholder groups to which Port staff and commissioners belong:

- Chamber of Commerce – North Hood Canal
- Jefferson County Climate Action Committee
- East Jefferson Underground Coordinating Council
- EDC Team Jefferson – Board of Directors
- EDC Team Jefferson – Public Sector Cabinet
- Food Resilience Committee – Jefferson County
- Incident Management Team (IMT) – Jefferson County
- Joint Growth Management Steering Committee – Jefferson County
- Marine Resources Committee (MRC) – Jefferson County
- North Olympic Development Council (NODC)
- North Olympic Legislative Alliance (NOLA)
- Pacific Coast Congress of Port Managers & Harbormasters Board
- Pilots Association – Jefferson County
- Port Townsend Marine Trades Association (PTMTA)
- Port Townsend Moorage Tenants Union
- Public Infrastructure Fund Committee (PIF) – Jefferson County
- Solid Waste Advisory Council – Jefferson County
- WAMA – WA Airport Management Association
- Washington Finance Officers Associations
- Washington Public Ports Association (WPPA) – Board of Trustees
- WPPA – Finance & Administration Committee
- WPPA – Legislative Committee

- WPPA – Other Committees (Aviation, Economic Development, Environmental, Marina, Public Relations)

### *The “Port Report”*

The Port releases quarterly issues of the “Port Report”, which is published both as an insert in The Port Townsend Leader, as well as made available for free online and in hardcopy form at all Port-staffed locations. The purpose of this publication is to demonstrate to the community how the Port is fulfilling its mission of supporting and growing the local economy, to increase transparency and accountability of government actions, to spotlight and celebrate individuals and businesses at the Port, and to provide in-depth updates on capital projects and other important developments taking place at the Port. To view the most recent issue of the Port Report, please click here: [Winter 2025](#).

### *“Our Working Waterfront”*

Each month, local radio station KPTZ joins co-hosts Pam Petranek (Port Commissioner, District 1) and Eron Berg (Port Executive Director) to produce an episode of “Our Working Waterfront”, a show focused on bringing the community news and stories centered around current happenings at the Port as well as the marine trades and vibrant maritime culture in Port Townsend and Jefferson County. For more information about the show, please visit the link here: [Our Working Waterfront](#)

### *Newsletter*

Members of the public who navigate to the Port’s website are prompted to sign up for the Port’s newsletter delivered via email. Newsletters are sent whenever events are announced, Commission meeting materials are posted in advance of an upcoming meeting, important updates to the website are made, or blog posts containing Port news and announcements are posted on the website. As of March 2025, the newsletter has 838 subscribers.

### *“Working Port: 100 Years of the Port” by Scott Wilson*

In 2024, to commemorate the centennial anniversary of the Port of Port Townsend, the Port commissioned a local writer and journalist to research and tell the story of how the Port of Port Townsend came into existence in 1924, to describe its evolution over the last century, and how it has earned its reputation today as home to exceptional marine trades businesses, workers, and a thriving maritime culture. In less than a year, more than 1,000 copies have been sold or given away to the members of the community. For more information about the book, please visit the link here: [Working Port: 100 Years of the Port](#)

### *Student Tours*

At the beginning of each school year, staff and commissioners from the Port of Port Townsend offer tours to Port Townsend High School seniors of the marine trades businesses and Boat Haven boatyard to highlight career paths available to aspiring marine trades workers, as a complement to the K-12 maritime education programs offered by the Northwest Maritime Center.

### Website & Social Media

The Port of Port Townsend leverages its social media accounts (e.g., [Facebook](#)) to keep members of the community engaged with current events at the Port by, including but not limited to, the following methods:

- Sharing capital project progress updates & pictures
- Posting pictures and updates of the vessels hauled in and out of the boatyard
- Highlighting and celebrating accomplishments of marine trades businesses and workers
- Addressing questions or concerns raised in community pages
- Linking to articles featuring the Port or related topics/organizations
- Posting interesting facts or recognizing significant dates in the Port of Port Townsend’s history
- Advertising upcoming events

## Language Access Plan

The Port of Port Townsend has established a Language Access Plan which outlines meaningful access to language assistance services for the segments of the population served by the Port who are Limited in English Proficiency (LEP). These measures ensure that all members of the public may seek Port services or access to Port infrastructure free from limitations due to barriers of communication. The Four Factor Analysis, detailed below, provides the basis for the actions implemented through the Port’s Language Access Plan.

### Four Factor Analysis

**Factor #1 – Number or Proportion of LEP Persons in Population:** Based on 2023 US Census data, less than 2% of Jefferson County residents (648 out of 32,473) are Limited in English Proficiency (LEP). Please see the table below for more details:

Language Other Than English	Number	Percentage LEP Population
Spanish	324	50%
Indo-European	98	15%
Asian and Pacific Island	205	32%
Other	21	3%

**Factor #2 – Frequency with which LEP Persons Come into Contact with the Port:** Although the Port serves a customer base beyond the residents of Jefferson County, the Port estimates that the frequency with which LEP Persons are served or encountered to be less than or equal to the percentage represented county-wide (<2%), or very rarely. It is not anticipated that this number would meaningfully increase with the addition of language assistance resources.

**Factor #3 – The Nature and Importance of the Program, Activity, or Service:** The Port of Port Townsend is a special purpose government with a mission to serve the citizens of Jefferson County by responsibly maintaining and developing property and facilities to promote sustainable economic



growth, to provide community access to Port facilities and services, and to protect and maintain our environment, community resources, and maritime heritage. Most services offered by the Port of Port Townsend are opted-into voluntarily by recreational boaters or commercial/industrial marine trades workers. Delay of services is very unlikely to have harmful or life-threatening consequences for an LEP individual.

**Factor #4 – Resources Available and Costs to the Recipient:** There are many resources available to the Port of Port Townsend within its operating budget to meet the need of LEP persons who currently seek Port services, or who would seek Port services with adequate translation and communication resources deployed. These include:

- On-call translation services (verbal and written)
- Telephonic and video conferencing interpretation services
- Translation websites (e.g., Google Translate)
- Translation plug-ins for online Port resources
- Training programs for staff in deploying interpretation resources

#### *Language Assistance Services*

The Port of Port Townsend is investing in the below listed Language Assistance Services following the findings of the four factor analysis above:

- 1. On-Call Verbal Interpretation Services** – The Port has executed a contract with LanguageLine Services for on-call translation (including American Sign Language) services via phone, mobile, and video conferencing, which will be made available at all Port staffed locations, including moorage offices and administration. Key personnel who work in the field will be given access to this technology via the mobile app. LanguageLine offers additional opt-in services which include onsite/in-person interpretation in the event this is necessary (e.g., an interview or meeting).
- 2. Advance Translation of Critical Documents and On-Call Written Translation Services** – Key documents (e.g., job applications) are currently being identified for translation into the top three known languages for Jefferson County. LanguageLine has also been retained for on-demand written translation, with a 2-day notice requirement.
- 3. Website Plug-in** – A translation plug-in has been integrated by the Port’s website developer for easy “one-click” translation functionality available to all visitors. LanguageLine also offers additional website technology options in another pricing tier which the Port is currently researching and evaluating.
- 4. Staff Training** – LanguageLine offers training so that frontline staff are knowledgeable about the resources at hand and are equipped with best practices for connecting our customers with these services. Port frontline staff will be attending this training in 2025.

## Attachment A – Notice to Beneficiaries and Participants

# NOTICE



### **Your Rights Under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act**

The Port of Port Townsend (Port) gives public notice of its policy to uphold and assure full compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. Title VI and related nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding the Port of Port Townsend's Title VI and ADA Program can contact the Port's Title VI and ADA coordinator at the address noted below. Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination based on race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be submitted in writing within 180 days of the date of the alleged occurrence to:

**Port of Port Townsend**  
**Attn: Title VI/ADA Coordinator**  
P.O. Box 1180  
Port Townsend, WA 98368  
360-385-0656  
[civilrights@portofpt.com](mailto:civilrights@portofpt.com)

A complainant may also file a complaint directly with the Maritime Administration by emailing [civilrights.marad@dot.gov](mailto:civilrights.marad@dot.gov) or mailing a written complaint to:

**United States Maritime Administration**  
**Office of Civil Rights**  
West Building, 2nd Floor MAR-130  
1200 New Jersey Avenue  
SE Washington, DC 20590

For more information, please visit <https://portofpt.com/title-vi-ada/>  
or scan the QR code provided.



## Attachment B – Complaint Procedures

### Introduction

The Port of Port Townsend (Port) has established this ‘Complaint of Discrimination’ Procedure as a mechanism for the review and resolution of allegations of discrimination. **These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA)** which prohibit discrimination based on race, color, national origin, and disability in any program or activity administered by the Port of Port Townsend or its tenants, sub-recipients, consultants, and/or contractors. Retaliation or intimidation of any kind is also prohibited by law.

These procedures do not negate or limit the right of the complainant to file formal complaints with other state or federal agencies. These procedures are part of an administrative process that does not provide for remedies such as compensatory damages for the complainant.

The Port of Port Townsend serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. The Port Administration building is located in Port Townsend at 2701 Jefferson St in the Boat Haven Marina and Boatyard. The Port is responsible for conducting counseling and investigations of alleged incidents of discrimination. The complainant, the individual making a complaint, is advised of his/her/their rights under Washington State and Federal laws and is given a copy of this procedure.

### Complaint Basis

Allegations must be based on protected group status, specifically issues involving race, color, national origin, or disability. A Protected Group is a group of people with common characteristics who are legally protected from discrimination based on that or those characteristic(s).

Protected Group categories and definitions relevant to this procedure:

Category	Definition	Example
<i>Race</i>	The perception based on physical characteristics that a person is a member of a racial group.	Black, White, Native American/Indian.
<i>Color</i>	The color and/or shade of skin within a racial group.	Black, white, dark or light brown, etc.
<i>National Origin</i>	A group of people who share a common language, culture, ancestry, and/or other social characteristics. Includes discrimination based on heritage or country of original citizenship. Also includes discrimination based on language or accent.	Cuban, Vietnamese, Mexican.
<i>Disability</i>	A disability is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.	An individual with visual impairment, or who uses a mobility device like a wheelchair.

### Complaint Process

Any individual or group of individuals who believe that he/she or they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color, or

national origin (including Limited English Proficiency) or disability may file a written complaint to the Port of Port Townsend. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

The complaint must meet the following requirements in that it must:

- Be made in writing or submitted electronically to the Title VI/ADA Coordinator for the Port of Port Townsend;
- Be submitted on the 'Title VI and ADA Discrimination Complaint Form' and signed by the complainant(s);
- Include the full name(s) and address(es) of the complainant(s);
- Include the date(s) of the alleged act(s) of discrimination;
- Include the full name(s), job title(s), and work address(es) of the accused party(ies), if known;
- Include a detailed description of the alleged act(s) of discrimination (specify all issues and circumstances of the alleged discrimination);
- Identify the basis of the complaint (i.e., race, color, national origin, LEP, disability); and
- Include the name(s), address(es) and telephone number(s) of any person who may have knowledge of the alleged incident.

For complaints to be accepted, they must be filed within 180 days of the alleged act of discrimination; meet the above procedures for filing; and allegations must be based on issues pertaining to race, color, or national origin (including Limited English Proficiency).

A complaint may be dismissed if the complainant requests the withdrawal of the complaint; the complainant does not respond to requests for information on or before the date indicated in the request; or the complaint is not timely filed.

In cases where a complainant cannot provide a written complaint, assistance will be provided by the Title VI/ADA Coordinator. However, all complaints must be signed by the complainant or its legal designee. A signature provided by a legal designee must be accompanied by written permission from the complainant.

### *Complaint Investigation*

Following the receipt and review of the complaint, the Executive Director or a designee will issue a letter acknowledging receipt of the complaint.

1. The accused party(ies) will be notified that a complaint has been filed against him/her/them **within ten (10) business days of accepting the complaint**. When applicable, the accused party(ies) is/are advised of his/her/their right to representation by the union or any other appropriate representative of his/her/their choice.
2. Barring extenuating circumstances outside of the investigator's control, the investigator will conduct a fact-finding investigation and provide a resolution, if one is possible, **within ninety (90) business days of receipt of the complaint** and notify all involved parties in writing whether there was a violation of Title VI or ADA. This will include notification to the complainant of his/her/their right to appeal the results to the Port.

3. All investigation findings will be reported to the Port's Executive Director or his/her/their designee.
4. Should the complainant elect to appeal the decision, he/she/they must do so in writing to the Title VI/ADA Coordinator **within ten (10) business days after receipt of the complaint resolution** proposed by the Executive Director or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.
5. The Executive Director or his/her/their designee will review the case to determine what, if any additional information is needed. If additional information is required from the appellant, he/she/they will be provided reasonable advance notice of a meeting and will be advised of his/her/their right to present relevant information at that time.
6. The Executive Director or his/her/their designee will render a written decision regarding the appeal, **no later than thirty (30) business days from the date of the filing of the appeal** which will be sent to the appellant. Should this decision differ from the findings of the investigation, it will also be sent to all parties involved. The decision of the Executive Director or his/her/their designee is final. However, this does not preclude the complainant from pursuing other means of resolution under Washington State or Federal laws.
7. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by the Title VI/ADA Coordinator, who will pay particular attention to the detection of any patterns in the nature of the complaints. All such records shall be retained on a strictly confidential bases, except where disclosure is required by law.

## Attachment C – Complaint Form

Please find a copy of the Port of Port Townsend’s Title VI and ADA Complaint Form below.

<b>Section I:</b>		
Name:		
Street Address:		
City:	State:	Zip Code:
Phone (mobile):	Phone (work):	
Email:		
Accessible Format Requirements:	<input type="checkbox"/> Large print	<input type="checkbox"/> Audio Tape
<i>Please select all that apply</i>	<input type="checkbox"/> TDD	<input type="checkbox"/> Other (please specify): _____
<b>Section II:</b>		
Are you filing this complaint on your own behalf? <span style="float:right"><input type="checkbox"/> Yes*      <input type="checkbox"/> No</span>		
<small><i>*If you answered "yes to this question, please continue to Section III.</i></small>		
If you answered "no", please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: <span style="float:right"><input type="checkbox"/> Yes      <input type="checkbox"/> No</span>		
<b>Section III:</b>		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin <input type="checkbox"/> Disability
Date of Alleged Discrimination (MM/DD/YYYY):		
Please explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.		



<b>Section IV</b>	
Have you previously filed a Title VI or ADA complaint with this agency?	[ ] Yes [ ] No
<b>Section V</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	[ ] Yes [ ] No
If yes, check all that apply:	
[ ] Federal Agency: _____	[ ] Federal Court: _____
[ ] State Agency: _____	[ ] State Court: _____
[ ] Local Agency: _____	
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name: _____	
Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	
<b>Section VI</b>	
Name of Agency Complaint is Against: _____	
Contact Person: _____	
Title: _____	
Telephone Number: _____	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**How to submit this form:**

Send via mail to: Port of Port Townsend  
ATTN: Title VI/ADA Coordinator  
P.O. Box 1180  
Port Townsend, WA 98368

Submit in person at: Port of Port Townsend  
2701 Jefferson St  
Port Townsend, WA 98368

Send via email to: [civilrights@portofpt.com](mailto:civilrights@portofpt.com)

## Attachment D – USDOT Order No. 1050.2A

### The United States Department of Transportation

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The Port of Port Townsend (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 **Maritime Administration (MARAD)**, 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 (MARAD’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 MARAD 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](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 MARAD.”*

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 **MARAD 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 MARAD Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **(Title of Recipient)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, 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 the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, [Name of the recipient] 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 **MARAD** 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 **MARAD**. You must keep records, reports, and submit the material for review upon request to **MARAD**, 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.

[Name of Recipient] 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 **MARAD 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 **MARAD Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
(Name of Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

DATED \_\_\_\_\_

## 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, Maritime Administration (MARAD, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
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 MARAD 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 MARAD, 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 MARAD 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 MARAD 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.

## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the Port of Port Townsend will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **Maritime Administration (MARAD) Program**, and the policies and procedures prescribed by the **MARAD** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 Port of Port Townsend all the right, title and interest of the 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 Port of Port Townsend 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 Port of Port Townsend, its successors and assigns.

The Port of Port Townsend, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 Port of Port Townsend will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the 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 effectuate the purpose of Title VI.)

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER  
THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX C**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ***Port of Port Townsend*** 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 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, national origin, sex, age, disability, income-level, or LEP 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 ***Port of Port Townsend*** 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 ***Port of Port Townsend*** 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 ***Port of Port Townsend*** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX D**

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by the **Port of Port Townsend** 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, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
  
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Port of Port Townsend** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
  
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Port of Port Townsend** will there upon revert to and vest in and become the absolute property of **Port of Port Townsend** and its assigns. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate 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:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).