



## **Memorandum**

Date: September 26, 2023

To: Statewide Real Estate Services and Mega Programs

From: Kevin Workman, Real Estate Services, Program Administrator *JKW*

Subject: Title VI Data Gathering & Annual Reporting

The purpose of this memorandum is to establish the new policy and procedures for Real Estate Services related to Title VI of the Civil Rights Act of 1964. Washington State Department of Transportation (WSDOT) Real Estate Services (RES) must assure that no person impacted by the Agency's Right of Way program will be denied the benefits to which the person is entitled or be otherwise subject to discrimination on the grounds of race, religion, sex, or national origin, pursuant to Title VI of the Civil Rights Act of 1964 and Title 49, Part 21 of the Code of Federal Regulations.

After an internal review of our policies and procedures, a course correction is necessary to stay in compliance with applicable laws and regulations. As part of our Title VI requirements, RES must collect, analyze, and document demographic data to determine Limited English Proficiency (LEP) populations of those that are affected by our programs, services, and activities. RES must also maintain Title VI records as required by the Office of Equity & Civil Rights (OECR) to demonstrate compliance with federal guidelines and annual reporting requirements.

### **New Procedure**

Effective October 1, 2023, all individuals impacted by WSDOT programs/projects must be provided a voluntary survey that will compile data for OECR reporting requirements related to Title VI of the Civil Rights Act of 1964. This new survey is form RES-307 and titled, "Title VI Real Estate Survey". The parcel number and project name must be completed by staff or consultant prior to distribution. A copy is attached to this memo for your convenience. To avoid duplication of survey participation, every household will be provided one survey as follows:

- RES's Acquisition section will provide the survey to the parcel owners at the date of initiation of negotiation.
- RES's Relocation section will provide the survey to ONLY tenant occupants with the Notice of Eligibility.

The completed survey is then returned to WSDOT in person or mailed directly to the address provided on the survey. Surveys sent to HQ will be routed to the appropriate region for retention and reporting. Completed surveys are maintained in the project file. The data must also be analyzed and tracked for the Title VI accomplishments report and provided to the OECR office annually. Each region is required to report individually. The reporting period is the Federal Fiscal Year (FFY), which is October 1<sup>st</sup> through September 30<sup>th</sup>.

Survey results should be analyzed for any disproportionate impact/injury. Results may be analyzed by several metrics, including but not limited to:

- Total number of offers made during reporting period.
- Analysis of parcel owner demographic information from the survey forms returned.
- Total number of displacees during the reporting period.
- Analysis of displaced persons' demographic information from the survey forms returned.

HQ RES developed a sample Excel spreadsheet to assist in analyzing the data. You may develop a tracking method that better suits your region or program.

## Complaints

Any complaints received by WSDOT in English must be forwarded directly to OECR in a timely manner. Complaints received in a language other than English must be translated prior to being sent to OECR. The Department of Enterprise Services (DES) maintains a list of companies on contract with state agencies for translation services.

## Limited English Proficiency and Translation Services

Title VI of the Civil Rights Act of 1964 requires recipients of federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with LEP. Limited English Proficiency is a term used in the United States that refers to a person who does not speak English as their primary language and have a limited ability to read, speak, write or understand English. WSDOT must provide appropriate interpreter services to individuals with LEP unable to read and understand written notices in their primary language.

In order to identify the language of the LEP individual, use WSDOT's [Language Access Card](#) or contact one of the DES approved vendors to assist with identifying their primary language. The Language Access Card is attached to this memo for your convenience.

Once their primary language has been identified, a certified translator must be used for those documents needing translation. Similarly, a certified interpreter must be used for individuals with LEP. Using a minor, family member or acquaintance is not acceptable. WSDOT must offer translation and interpreter services and document responses regarding these services in the agent's diary.

DJ:kw

Enclosure      RES307 Title VI Real Estate Services Survey  
                      SAMPLE Title VI Data Sheet  
                      WSDOT Language Access Card

cc:      Mark Gaines, State Design Engineer  
            Danny Johnson, Relocation Program Man  
            Heather Lindstrom, Acquisition Program Manager  
            Jessica Stokesberry, Appraisal Program Manager  
            Robin Curl, Property Management Program Manager