**TITLE VI PLAN TEMPLATE**

**FOR LOCAL PUBLIC AGENCIES**

This sample document/template is provided by VDOT as a resource and guide to LPAs for producing their Title VI Program Implementation Plan.

Local Public Agencies (LPAs) may opt to develop a Title VI Plan based on this sample or using another format. If using a format other than this sample, the LPAs should follow the Title VI Implementation Plan checklist provided by the Federal Highway Administration (FHWA) as a guide:

[Title VI Program Implementation Plan Checklist](https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Implementation%20Plan%20Checklist.pdf)

Note: Guidelines and tips are provided in italics and should be removed when using this document as a template.

The document, forms, templates, samples and guidelines provided do not constitute legal advice. For legal advice, please contact your legal counsel.

(logo)

Click here to enter name of agency

**TITLE VI PROGRAM PLAN**

Agency Administrator

Click here to enter name of administrator.

Prepared by:Click here to enter name.

**FISCAL YEAR**: Click here to enter year (federal fiscal year)

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**TITLE VI STATEMENT OF COMMITMENT**

The Click here to enter name of the agency , hereinafter also referred to as the “LPA”, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. These authorities provide 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 otherwise subjected to discrimination under any program or activity for which LPA receives federal assistance.

Further, as a recipient of federal-aid funding, Click here to enter name of the agency strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. Click here to enter name of the agency will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the LPA is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of Click here to enter name of the agency shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated there under.

Click here to enter the specific staff position has been designated as the LPA’s Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the LPA, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact Click here to enter the specific staff position., at Click here to enter contact info.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Click here to enter text. Date

 Agency Administrator

**I. ORGANIZATION AND STAFF RESPONSIBILITIES**

1. Relationship of Civil Rights Unit/Staff to Head of Click here to enter name of the agency

**Agency Administrator** – The Agency Administrator is authorized to ensure compliance with provisions of the Agency’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency’s grants compliance function and Title VI coordination shall be performed under the authority of the Agency Administrator.

**Title VI Coordinator** – The Click here to enter specific staff position will perform the duties of the Title VI Coordinator and ensure implementation of the Agency’s Title VI Federally Funded Transportation Program. Although the Click here to enter specific staff position reports to Click here to enter specific staff position (direct supervisor), this position shall have an indirect reporting relationship and access to the Agency Administrator.

1. Statement of Responsibility and Authority of Title VI Coordinator

As authorized by the Click here to enter name of the agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPAcompliance with Title VI requirements as follows:

**Program Administration**

* Administer the Title VI Program and coordinate implementation of the plan
* Ensure compliance with the assurances, policy, and program objectives
* Perform Title VI Program reviews to assess administrative procedures, staffing, and resources
* Provide recommendations as required to the Click here to enter name of the agency Administrator

**Complaints**

* Review written Title VI complaints that may be received by Click here to enter name of the agencyfollowing the adopted procedural guidelines.

**Data Collection**.

* Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

**Training Programs**

* Conduct or facilitate training programs on Title VI issues and regulations for the agency’s employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

**Title VI Plan Update**

* Review and update the Agency’sTitle VI Implementation Plan as needed or required
* Present updated plan to the Click here to enter name of the agency Administrator for approval.
* Publish/post the Title VI Implementation Plan.

**Annual Accomplishment Report**

* Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
* Identify goals and objectives for the upcoming year as required; and submit to VDOT.

**Public Dissemination**

* Work with Click here to enter name of the agency staff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
* Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community.
* Ensure the full utilization of available minority publications or media
* Ensure written or verbal information in languages other than English is being provided, where appropriate.

**Elimination of Discrimination**

* Work with Agency’s program areas to establish procedures for promptly resolving deficiencies, as needed
* Recommend procedures to identify and eliminate discrimination that may be discovered in any of the Agency’s processes

**Maintain Legislative and Procedural Information**.

* Keep informed about Federal laws, rules, and regulations, FHWA or VDOT guidelines that may affect the current Agency Title VI Plan and administration of the Agency’s Title VI Program.
* Ensure information is made available to the public as requested or required.
1. Program Administration

*Guidelines & tips (Remove to enter LPA’s information)*

* *Describe the method of Administration developed/adopted by the Agency to ensure nondiscrimination in all of its programs and activities.*
* *This section should include a description of the role of the designated staff that will work/assist the Title VI Coordinator. Explain the staff that will be involved in the administration of the plan or will be designated to assist the Title VI Coordinator with the administration of the Title VI Program or the implementation of the Title VI Plan.*
* *The Agency may choose to implement a multidisciplinary approach that allows the use of several disciplines to address an issue (administer the program). This approach allows the Agency to designate specific staff in departmental special emphasis program areas who shall work in concert with the Title VI Coordinator. The key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation related funding. The designated staff will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff. The designated staff will also work with the Coordinator to ensure Title VI compliance by contractors, subcontractors, consultants, suppliers, and other sub-recipients under federally funded projects or programs, and will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of federally funded transportation programs. Following is a sample of the text that the Agency may include in this section:*

**Multidisciplinary Approach** *(This structure is optional. It is recommended for the Program Administration)*

**Title VI Specialists** – Additionally, the Agency has designated Title VI Specialists in special emphasis program areas. The Specialists shall work in concert with the Title VI Coordinator. These key programs areas are subject to receiving federal assistance through grants or other types of transportation related funding. The Title VI Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the Title VI Method of Administration as laid out on this Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will also work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Title VI Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of the Agency’s federally funded transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

*If applicable, list the areas with Title VI Specialists and the Official Job Title. Sample listing:*

**TITLE VI SPECIALISTS DESIGNEES**

|  |  |
| --- | --- |
| **Program Area** | **Official Job Title** |
| PlanningReal Estate (Right of Way)Design and Engineering –Environmental ServicesOperations AdministrationCommunity DevelopmentHuman Resources General Services Purchasing |  |

1. Organizational Charts

*Place Organizational Chart here or attach to back of report with page number reference*

**II. TITLE VI PROGRAM IMPLEMENTATION**

1. Program Areas – Review and Monitoring Procedures

*Guidelines & tips (Remove to enter LPA’s information)*

*Description of Major Operational Areas, Title VI responsibilities and procedures for conducting reviews of each area.*

*In this section, the LPA is to include a brief description of each of the areas below, their activities and the procedures in place to ensure compliance with Title VI (procedures for conducting reviews of the program area) The LPA should include the following areas or may adopt the template provided below and adjust it as needed, indicating the name of the Division or Department that performs the function within the Agency.*

**Planning**

* Planning Process

*Describe the planning process/ Program Area’s functions. Include responsibilities for providing long-range planning, program development, and capital programming, six-year plan.*

* Public involvement in planning activities

*Describe/Include:*

* *How minority members of the community are invited to participate in public hearings;*
* *Locations, time, translation services, etc.;*

**Location**

* Public involvement

*Describe the process to ensure representation of minorities and women on boards and committees involved in highway location decisions.*

*Describe/Include:*

* *How minority members of the community are invited to participate in public hearings;*
* *Locations, time, translation services, etc.;*
* *Location manuals, directives, guidelines and policies.*

**Design/Project Development**

* Design and Environmental Review Process

*Describe the Design and environmental review process/Program Area’s functions*

* Design/Environmental Review Process and Title VI

*Describe/Include all applicable activities below:*

* *How minority members of the community are invited to participate in public hearings;*
* *Locations, time, translation services, etc.;*
* *Design/project development manuals, directives, operational procedures, guidelines, and policies reviewed for Title VI compliance;*
* *Statistical data collected on demographics of communities affected by construction project.*

**Right of Way**

* Right of Way Process

*Describe the Right of Way process/Program Area’s functions*

* Right of Way Process and Title VI

*Describe/include all of the applicable activities in relation to Title VI*

* *Equal opportunity is being provided in hiring real estate appraisers;*
* *Title VI language is incorporated into all acquisition, negotiation, property*

*management communication and contracts;*

* *Title VI language and assurance statements included in all surveys for property owners and tenants after the conclusion of business;*
* *Values and communications associated with appraisals conducted in an*

 *equitable fashion;*

* *Deeds, permits, and leases contain Title VI compliance clauses;*
* *Statistical data is being collected on demographics of relocates.*

**Construction/Maintenance**

* Construction/Maintenance Section

*Describe this Program Area’s functions & responsibilities*

* Construction/Maintenance Section activities and Title VI

*Describe/include all of these applicable activities in relation to Title VI*

* + - * *Contractor selection procedures reviewed to determine uniformity in their*

*application to minority and nonminority contractors;*

* + - * + *Minority contractors and subcontractors are being informed about contracting opportunities with the local agency;*
			* *Construction rules and regulations are being applied in an equitable fashion;*
			* *Title VI assurances are included in all contracts, subcontracts, and material supply agreements*.

**Education/Training**

* Education/ Training Section

*Describe this Program Area’s functions*

* Education / Training Section activities and Title VI

*Describe/include all of these applicable activities in relation to Title VI*

* + - * *Diversification in the selection of supportive services*
			* *Minority consultants and sub-consultants are being informed about contracting opportunities with the local agency*
			* *Title VI assurances are included in all consultant & sub-consultant agreements*.

**Consultant Contracts Administration**

* *Describe the Consultant Contracts Administration. Description will include the division responsible for recommending consultant firms to the Agency for final selection, negotiation and award, and the division that administers awarded consultant contracts.*
* *Describe the Consultant Selection Process. Include the staff or name of division responsible for this task.*
* *Describe how the Agency ensures the inclusion of Title VI assurances and provision language in all federally funded consultant contracts.*
1. Sub-recipients - Reviews and Monitoring Procedures

Click here to enter name of the agency will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. Click here to enter name of the agency ‘s staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Click here to enter name of the agency will also conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements.

When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Click here to enter name of the agency will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Click here to enter name of the agency will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When a sub-recipient fails or refuses to voluntarily comply with requirements, Click here to enter name of the agency will submit to VDOT’s Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Click here to enter name of the agency and VDOT may, with FHWA’s concurrence, initiate sanctions per 49 CFR 21.

**Consultants and sub-consultants Reviews**

 *Describe the procedures that the LPA will utilize to review its consultant’s compliance with Title VI. Include any document templates or forms that will be utilized to conduct the review. The LPA may utilize a Title VI Evaluation Form similar to VDOT’s. If the LPA chooses to utilize a Title VI Evaluation Form to review its consultant/sub-consultants, the LPA shall take ownership of this review process: review and approval of the forms. A template of the form is provided in the Title VI Program Compliance Toolkit for Local Public Agencies.*

1. Data Collection – Reporting – Analysis

*Guidelines & tips (Remove to enter LPA’s information)*

* *Describe the procedures developed by the Agency for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.*
* *Describe how LPA collects data, what data is collected, and how data is to be analyzed. LPA must collect Title VI Program-related data as on-going basis. Data collected should be directly related to specific processes in a Program Areas.*
* *The information can also be included in the data collection/reporting/analysis by program area.*
* *Describe how the data will be used. Title VI Analysis involves pairing two things: Demographics + Impact or Benefit.*

*What Data should be collected?*

* *Population eligible to be served based on race, color, national origin*
* *Present or proposed membership, by race, color, national origin, in any planning or advisory body that is an integral part of the program;*
* *Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin*
* *Allocated funds/other financial assistance, when & to whom;*
* *Demographic profile of communities;*
* *Owners of property [to be] taken, and persons or businesses to be relocated or adversely affected by race, color, national origin*

*Examples of analysis*

* *Decennial Census+ Noise Impacted Residents*
* *American Community Survey (ACS) + Vital Documents to be Translated*
* *Relocatee Demographic Surveys + Relocation Financial Data*
* *Public Meeting Attendees + Overall Area Population*

*Additional Resources:* [*FHWA's Sample Data Sources*](https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20-%20Sample%20Data%20Sources%20Assessment.pdf)*,*

1. Title VI Training

*Guidelines & tips (Remove to enter text)*

*This section describes how and when the agency will be coordinating or conducting Title VI related training and staff development for its Title VI Coordinator, Title VI Specialist (s), Civil Rights Staff, Title VI liaisons and other Agency employees, as well as Title VI training sessions for consultants, contractors, and subcontractors*. *The description should include who will be responsible and frequency.*

1. Dissemination of Title VI Information

**Community Outreach and Public Education**

*Guidelines & tips (Remove to enter text)*

*This section describes the Agency’s efforts for community outreach and public education procedures of the Title VI Program as well as how the public outreach data is collected/analyzed to ensure effectiveness.. The agency will develop and disseminate Title VI Program information to its employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Include the tools to educate the public about Title VI and the Agency’s Title VI Program. Public dissemination will include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, the publication of the Agency’s Title VI Policy Statement, and informational brochures. Public dissemination will also include posting of public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. The agency shall ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.*

**Public Involvement**

*Guidelines & tips (Remove to enter text)*

*This section describes the process to elicit and solicit public participation and involvement. Describe how the agency promotes full and fair participation by all segments of the population, including minority or low-income communities and populations who are not proficient in English. Include the tools, strategies and techniques to involve the public, including LEP persons. The Agency will also describe the procedures to track and document the public involvement measures taken.*

*Guidelines & tips (Remove to enter text)*

* *Development and implementation of an Agency Public Participation Plan/ process*
* *Periodic review and evaluation of the public participation process/plan*
* *Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision-making?*
* *What strategies, if any, have been implemented to reduce participation barriers for such populations?*
* *Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations?*
* *What mechanisms are in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decision-making process?*
* *Early and continuous public involvement*
* *Use of innovative tools and media*
* *Provision of timely information*
* *Provision of adequate public notices*
* *Reasonable public access*
* *Methods to ensure and demonstrate explicit consideration of comments*
* *Coordination with individuals, institutions, or organizations to implement community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities*

Click here to enter name of the agency is committed to document and analyze the impacts of transportation projects on minority and low-income populations as a normal part of analysis efforts. A key aspect of the analysis is to ensure the involvement of affected communities in the project development process. Click here to enter name of the agency has developed Guidelines to provide Environmental, Planning, Right of Way, Location and Design, Civil Rights and any other applicable with a consistent framework for developing an effective public involvement strategy. They contain only principles and general procedures, which means that the specific approach must be tailored to the unique circumstances of each project and those communities affected by it. If the procedures do not seem appropriate for a particular project, then the team will develop a more suitable approach.

1. Limited English Proficiency

*Guidelines & tips (Remove to enter text)*

*In this section the Agency will describe the steps that it will take to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are LEP (Limited in English Proficiency). For public participation to be inclusive the LPA must know the locations of LEP populations and there has to be a level of outreach that goes beyond advertising in the local newspaper and regular public meetings. Explain how LEP populations are identified statewide and per project as well as how the 4-factor analysis is applied to each in determining what translations are appropriate.*

*Outreach examples:*

* *In-person community tours*
* *Visiting community organizations*
* *Making sure there is a channel for feedback from community groups*

*This is often organized in the LEP Plan which may be included as an Appendix.*

*Place these in the public outreach or public involvement*

*Guidelines & tips (Remove to enter text)*

* *Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision-making?*
* *What strategies, if any, have been implemented to reduce participation barriers for such populations? Has the effectiveness of the strategies been evaluated? Have efforts been undertaken to improve them, especially with regard to low-income and minority populations?*
* *Has public involvement in the planning process been routinely evaluated as required by regulation? Have organizations representing low-income and minority populations been consulted as part of the evaluation? Have their concerns been considered?*
* *Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations?*
* *What mechanisms are in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decision-making process? Is there evidence that these concerns have been appropriately considered?*

**III. DISCRIMINATION COMPLAINT PROCEDURES**

*Guidelines & tips (Remove to enter text)*

*In this section the LPA will provide the procedures developed and in place for the filing of Title VI discrimination complaints. The LPA should also explain how the procedure is made available to participants, beneficiaries and other interested parties.*

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of -- a recipient of Federal financial assistance through the Virginia Department of Transportation -- may file a Title VI complaint.

**Where can one file?**

Complaints related to the Federal-aid highway program may be filed with VDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ.

**When must one file?**

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

**What should a complaint look like?**

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain the following information:

* A written explanation of the alleged discriminatory actions;
* The complainant’s contact information, including, if available: full name, postal address, phone number, and email address;
* The basis of the complaint (e.g., race, color, national origin);
* The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
* Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
* The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

**How are complaints routed?**

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

* All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against Click here to enter name of the agency (a Subrecipient of Federal financial assistance).
* Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with Click here to enter name of the agency , Click here to enter name of the agency will forward the complaint to VDOT, which will forward the complaint to the VDOT’s FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT’s FHWA Division Office, which should forward the complaint to HCR.
* VDOT and Click here to enter name of the agency will log all complaints received.
* When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and Click here to enter name of the agency .

Complaints may also be sent to HCR directly at:

|  |  |
| --- | --- |
| Postal Mail  | Federal Highway Administration U.S. Department of Transportation Office of Civil Rights1200 New Jersey Avenue, SE8th Floor E81-105 Washington, DC 20590  |
| Email  | CivilRights.FHWA@dot.gov |
| Fax  | 202-366-1599  |
| Questions?  | 202-366-0693  |

**What are the potential outcomes for processing a complaint?**

There are four potential outcomes for processing complaints:

* Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA’s jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
* Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
* Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
* Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

**What are the timeframes for investigation?**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If VDOT is delegated an investigation from FHWA,VDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3)

**How does the Investigating Agency gather information?**

There are no regulatory requirements for how information is gathered, but VDOT and Click here to enter name of the agency are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or VDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

**Once FHWA starts an investigation, what are the potential outcomes?**

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator for VDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
	* If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA’s satisfaction, then the complaint will be dismissed with no further action.
	* If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
	* If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR
6. **REVIEW OF AGENCY DIRECTIVES**

*Guidelines & tips (Remove to enter text)*

*In this section the LPA will describe how the Agency reviews directives to determine if there are Title VI implications, and interpret how directives impact Title VI program areas. Example of description the LPA may provide in this section:*

*The Title VI Staff employs the following process (or several processes) to review the Agency directives, policies and practices:*

* *The Title VI Staff works collaboratively with a Title VI Advisory Committee - a group consisting of division directors or their appointees, who help to make and implement policies. The committee works to ensure the Agency directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates;*
* *The Title VI Staff is included in the review process when Agency directives are drafted and polices implemented. This process affords the Title VI Staff an opportunity to review for any possible Title VI issues.*
* *The Title VI Staff reviews all environmental documents, public meeting and hearing transcripts to ensure staff is aware of any potential Title VI issues.*
* *The Director serves on decision‐making committees as a Civil Rights Advisor to ensure the Agency directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations; and,*
* *The Title VI Staff works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives*.

1. **COMPLIANCE AND ENFORCEMENT PROCEDURES**

*Guidelines & tips (Remove to enter text)*

*In this section the LPA will outline its Title VI Program compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients. Example of description the LPA may provide in this section:*

***Remedial Action***

*The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates. The program area staff/Title VI Liaison or the Subrecipient will be able to propose remedial actions to correct the deficiencies. Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Officer/ Coordinator/ Specialist assigned to the review. The Title VI Officer/Coordinator/Specialist will provide technical assistance, as needed, and work with the (program area’s) Title VI Liaison or Subrecipient’s Title VI Coordinator to ensure implementation of the CAP. When the Title VI Officer/Coordinator/Specialist has determined that a sub- recipient’s deficiencies are sufficiently corrected, the program area Title VI Liaison or the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Agency’s Title VI Coordinator.*

***Affecting Compliance***

*When an internal program area refuses to cooperate or comply with Title VI, the Title VI Specialist will elevate the matter to the Director, after which, the matter may be referred to the State DOT Civil Rights Manager or responsible USDOT Operating Administration (OA).*

*When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a “deficiency status” to noncompliance; Click here to enter name of the agency will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub- recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.*

***Sanctions***

*In the event that a Subrecipient or contractor (“recipient’) fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be Click here to enter name of the agency attempts the resolve the issue using the program area’s normal administrative solutions. However, Click here to enter name of the agency may take any or all of the following steps, with the concurrence of VDOT or USDOT(i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by Click here to enter name of the agency to voluntarily resolve the compliance issue:*

*a. Cancel, terminate, or suspend the contract or agreement in whole or in part;*

*b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;*

*c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,*

*d. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.*

1. **AUTHORITIES**

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964 as amended.

**Title VI of the 1964 Civil Rights Act (42 USC 2000d et seq)** 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.”

**The Civil Rights Restoration Act of 1987, P.L. 100‐209** further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

**49 CFR Part 21,** the U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964.

**23 Code of Federal Regulations (CFR) Part 200,** the Federal Highway Administration’s Title VI Program Implementation and Review Procedures.

**USDOT Order 1050.2A**

**Section 162(a) of the Federal‐Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

**Executive Order 12898** (issued February 11, 1994) addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low‐income populations.

**Executive Order 13166** (issued August 16, 2000) addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

1. **TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES -USDOT 1050.2A)**

*The following template is for sample purposes. A scanned copy of the assurance signed by the authorized official should be included in this section.*

SAMPLE SAMPLE SAMPLE

**TITLE VI/NONDISCRIMINATION ASSURANCES**

DOT Order No. 1050.2A

The *Click here to enter LPA name*, (herein referred to as the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration,* 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);

• 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);*

• 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.

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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination 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 Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 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 all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The* *Click here to enter LPA name in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin 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, the *Click here to enter LPA name* 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 *USDOT* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *USDOT.* You must keep records, reports, and submit the material for review upon request to *USDOT,* 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.

The *Click here to enter LPA name* 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 U.S. Department of Transportation under the *Federal-Aid Highway Program*.This ASSURANCE is binding on the *Commonwealth of Virginia,* other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

 *Click here to enter LPA name*

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, the 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. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21*.*

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administrationto be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration*,* as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non­ discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administrationmay determine to be appropriate, including, but not limited to:

a. withholding payments to the contractor under the contract until the contractor complies; and/or

b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

A

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 *Click here to enter LPA name* will accept title to the lands and maintain the project constructed thereon in accordance withthe Virginia General Assembly*,* the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* 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, Nondiscrimination 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 *Click here to enter LPA name* 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 *Click here to enter LPA name* 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 *Click here to enter LPA name,* its successors and assigns.

The *Click here to enter LPA name* 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, 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 *Click here to enter LPA name* 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination 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 land, 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.)

B

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 *Click here to enter LPA name* 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 Nondiscrimination covenants, the *Click here to enter LPA name* 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 Nondiscrimination covenants, the *Click here to enter LPA name* 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 *Click here to enter LPA name* 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.)

C

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 *Click here to enter LPA name* 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 furnishing of services thereon, no person on the ground of race, color, or national origin, 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 Nondiscrimination covenants, the *Click here to enter LPA name* 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, the *Click here to enter LPA name* will there upon revert to and vest in and become the absolute property of the *Click here to enter LPA name* 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 nondiscrimination statutes and authorities; including but not limited to:

**Pertinent Nondiscrimination Authorities:**

• Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

• The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §

 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

• Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.),* (prohibits discrimination on the basis of sex);

• Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

• The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.),* (prohibits discrimination on the basis of age);

• Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

• The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

• Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

• The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

• Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures 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).

1. **APPENDICES**

*LPA may insert any forms, templates, samples, guidelines or attachments in this section.*