

Title VI Program Compliance Plan

FMCSA TITLE VI PROGRAM POLICY STATEMENT

The required Program Policy Statement is attached at the end of this document.

FMCSA Title VI Program Assurance

See Exhibit A, The United States Department of Transportation Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A.

Description of Federal Aid Program

Through a partnership with the Federal Motor Carrier Administration (FMCSA), the Community College of Baltimore County (CCBC) will provide a Class A Truck Driving Program for 38 participants. CCBC will recruit and enroll veterans and/or spouses and dependents of veterans. The CDL-A training program will be offered in day, evening, and weekend options. The day classes will run from Monday through Friday from 8:00 am to 4:00 pm for 8 weeks. Evening classes run from Monday through Friday from 5:00 pm to 10:00 pm for 14 weeks. Weekend classes will run Saturday and Sunday from 8:00 am to 4:00 pm for 20 weeks. CCBC will work with trainees to enable them to seek full-time employment once the training is completed.

The recruitment process starts with CCBC's Veterans Services department reaching out to local veterans' organizations to make those organizations aware of funding available for tuition and fees. The department will also attend military job fairs, on-base events, and state events focused on veterans. This process leads to information sessions. These sessions include a PowerPoint presentation explaining CCBC's expectations, photos and testimonials, and general information about the program. At the completion of the information sessions, interested candidates will meet with Ms. Stacy Igo, the CDL training program coordinator. After interviewing with Ms. Igo, final participants selected will be sent to complete a Department of Transportation (DOT) drug screen and physical.

Participants will complete 280 hours of instruction that includes 75 hours of classroom instruction on safety topics and permit preparation and 205 hours of road/range work. The classroom portion covers the basic operation of a commercial motor vehicle and helps participants to prepare for the Maryland permit exam. During this process, there will be visual aids and handouts with instructor lectures using the Maryland Commercial Driver's Manual. The range and road portion combine pre-trip inspection, driving practice on CCBC's driving range as well as on-the-road experience. Throughout the course, participants

learn basic skills such as straight-line backing, alley docking, situational backing techniques, and driver inspection reporting. Participants must demonstrate safe driving practices in preparation for their Class A CDL Road Skills Test. All FMCSA entry-level driver training requirements are reflected in curriculum components.

The participants' range and road skills are thoroughly tested prior to taking the Class A CDL test. To take the CDL tests, which incorporate road range skills assessments, students must score 80% or higher on the pre-test. Those students who do not meet that standard (the Maryland Motor Vehicle Administration test) are given remediation consisting of training tailored to individual needs.

Veterans are a vital part of CCBC's campus community with enrolling over 2,000 veterans a year. In 2021, CCBC was listed as a Military Times Best for Vets: Career and Technical Colleges Awardee and 2-year College Awardee. CCBC is also a participant in the Maryland Department of Education's Eight Keys to Veterans' Success Initiative. CCBC has formed well-established partnerships with the local workforce centers and Operation Hire Maryland for veterans.

As a college, CCBC values equity and embraces diverse backgrounds and viewpoints by providing inclusive experiences. A strategic committee related to diversity, equity, and inclusion is charged to develop, research, and plan specific initiatives aimed at raising awareness, implementing strategies, updating policies, and holding events that are related to the changing needs of an increasingly diverse college community.

Notification to Beneficiaries/Participants

See Exhibit B, Public Notice of Title VI Program Rights. For the beneficiaries' consideration, CCBC is providing: the Title VI Program Compliance Plan, Instructions in Filing a Title VI, and Complaint Reference Documents.

CCBC will include the Public Notice of Title VI Program Rights on our website that includes Policies and Procedures for Nondiscrimination and Equal Opportunity, <https://www.ccbcmd.edu/About-CCBC/Policies-and-Procedures/Nondiscrimination-and-Equal-Opportunity/Title-VI.aspx>. In addition, a hard copy of the Public Notice of Title VI Program Rights will also be posted where CDL training activity and services are conducted.

Sub-Recipient Compliance Reports

CCBC does not intend to sub-award FMCSA funds.

CMV Inspection Selection & Unbiased Enforcement Policies

CCBC personnel do not conduct enforcement activities and therefore this section is not applicable.

Training

CCBC has assigned the responsibility for Title VI nondiscrimination program compliance under the FMCSA program activities and services to its General Counsel. That person has reviewed the FMCSA-related responsibilities assigned to project staff. The General Counsel and staff have received a copy of the FMCSA Basic Title VI Program Training. Training will be conducted annually. Training will include the Title VI Policy Statement and other program-related information. Routine training will be facilitated using a PowerPoint presentation. The training provides comprehensive information on Title VI Program requirements and its application to specific programs or operations, assistance on the identification of Title VI program-related issues, and an overview of the complaint process.

All persons with responsibility under the program, or receiving training under the program, will sign an acknowledgement indicating that they understand the CCBC Title VI Program and have received general training on Title VI, protections under Title VI, related rights, and how to file a complaint. Under our CDL Training Program, CCBC will train all personnel involved in the program and submit a Training Record identifying the employees having received the Title VI Program training by no later than September 30, 2023. CCBC will train staff on its obligations under the Title VI Program on an annual basis.

Access to Records

CCBC is responsible for ensuring all records relating to the effective implementation of Title VI Program requirements are available for review by FMCSA. CCBC will make documents available to FMCSA staff upon request by FMCSA staff. This includes documents required for compliance reviews and/or investigations of any complaints received.

Complaint Disposition Process

CCBC is committed to a policy of nondiscrimination in the conduct of its business, including its Title VI Program responsibilities. No person is excluded from participating in or denied the benefits of its services, programs or activities receiving federal financial assistance on the basis of race, color, sex, age, national origin, income status, limited English proficiency (LEP) or disability.

All reports of discrimination in CCBC's Title VI Program, shall be promptly made to the General Counsel who will serve as the Title VI Program Coordinator. The General Counsel oversees

Community College of Baltimore County

implementation of College policy on discrimination in its Title VI Program. The General Counsel may be contacted at (443) 840-3098.

All employees who are aware of or witness discrimination, under the Title VI Program, are required to promptly report the matter to the General Counsel. Any student or member of the public who is aware of or witnesses discrimination, under the Title VI Program, is encouraged to promptly report to matter to the General Counsel. All initial contacts will be treated with the maximum possible privacy. Subject to the College's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of those reporting such discrimination matters to the General Counsel. In all cases, the College will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an individual chooses not to initiate or participate in a formal complaint.

An individual who seeks to file a complaint of discrimination under the College's Title IV Policy is to contact the General Counsel to make a formal report. A complainant can expect to have complaints taken seriously and reports of discrimination investigated. Formal reporting affords privacy and only those needing to be involved in the investigation will have knowledge of the report. Information will be shared as necessary with investigator(s), witnesses, respondent, and any other entity as needed or otherwise required by law.

The individual making the report is encouraged to provide as much detailed information as possible to allow the General Counsel to investigate and respond as appropriate. The College may be limited in its ability to investigate an anonymous or third-party report without sufficient information is provided.

All complaints will be investigated promptly. Listed below is the process for disposition of a complaint under the College's Title VI Policy:

1. Any person who believes he or she has been subjected to discrimination under Title VI may file a complaint of discrimination as described above.
2. In instances where additional information is needed, the General Counsel will contact the complainant. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint

resolution.

3. Following receipt of all required information, the General Counsel will complete the investigation, produce a formal report (Report of investigation) and respond to the complainant in writing within 90 days of receipt of all requested complaint information, unless impractical. In which case, the complainant will be advised of the adjustment in time. In addition, the receipt of other relevant information and/or the simultaneous filing of complaints with CCBC and other external entities may delay the timing of complaint resolution.

The General Counsel will maintain a Title VI Program Complaint Log to include the following information, name of complainant, identification by demography (i.e., race, color, national origin, etc.), allegation(s), complaint date, date of report of investigation, determination made and date, and any other relevant information as deemed appropriate. The Complaint Log will be available to FMCSA upon request.

Status of Corrective Actions Implemented by Applicant to Address

Deficiencies Previously Identified During a Title VI Program Review

CCBC's Title VI Program has not been audited and is not operating under any corrective action plan.

Community Participation Process

This Section is not applicable to Community College of Baltimore County.

Policy Statement

Community College of Baltimore County (the College or CCBC) recognizes its responsibility to abide by Title VI of the Civil Rights Act of 1964 (Title VI) and other- related non--discrimination authorities. CCBC has adopted this Title VI Policy Statement to note its commitment to equality and fairness in all federally-funded programs and activities and to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities.

Pursuant to Title VI, CCBC prohibits discrimination on the basis of race, color, sex, age,


national origin, income status, limited English proficiency (LEP) and/or disability. Further, no person, on the basis of his/her protected status shall be excluded from participating in or denied the benefits, services, programs, or activities of, or subjected to discrimination under any College program or activity receiving Federal financial assistance. CCBC further assures that Title VI program measures are implemented and monitored to ensure compliance with this policy and other Title VI Program requirements.

The College President is ultimately responsible for and committed to the effective implementation of this Title VI Policy Statement to achieve compliance under Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related non-discrimination authorities as identified in the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Assurance, including 49 CFR Part 21 and 49 CFR Part 303.

The College President has delegated responsibility for the day-to-day administration of the program to the General Counsel who will ensure the College's compliance with Title VI Program requirements. The College is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions related to College sponsored programs and activities.

Complaints will be tracked, responded to and investigated by the General Counsel and other staff as designated to ensure compliance.

This policy statement will be communicated to the College community and public and incorporated by reference in all relevant contracts, agreements, programs, and services administered by the College in accordance with applicable laws and/or regulations.



Sandra Kurtinitis, President

March 23, 2023

Date

The United States Department of Transportation

Standard Title VJ/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Community College of Baltimore County (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that **all** Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

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

General Assurances

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

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

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

Specific Assurances

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

- I. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

Dr. Sandra L. Kurtinitis, President

Community College of Baltimore County

by 
(Signature of Authorized Official)

DATED March 23, 2023

June 13, 2016

Community College of Baltimore
County

Exhibit B

**Community College of Baltimore County
Public Notice of Title VI Program Rights**

Community College of Baltimore County (CCBC) gives public notice of its policy to uphold and ensure full compliance with the non-discriminatory requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities. Title VI and related non-discrimination 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. CCBC does not discriminate with regard to race, color, national origin, sex, age, disability, income-level, or Limited English Proficiency (LEP).

Any person needing additional information regarding CCBC's Title VI Policy and related program rights may contact the General Counsel directly at (443) 840-3098.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or limited English proficiency in violation of Title VI has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Ms. Tracy E. Ashby,
Esq. General Counsel
Community College of Baltimore
County 720 I Rossville Blvd
Baltimore, MD 21237
Phone:443-840-3098
Email: tashby@ccbcmd.edu

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 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 the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, 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 FMCSA 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 the FMCSA 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 (Title of Recipient) 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 **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** 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 (Title of Recipient) 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 (Title of Recipient) 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 (Title of Recipient), its successors and assigns.

The (Title of Recipient), 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 [,J [and]* (2) that the (Title of Recipient) 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 (Title of Recipient) 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, (Title of Recipient) 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 (Title of Recipient) 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 (Title of Recipient) 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 *(Title of Recipient)* 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, *(Title of Recipient)* 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, *(Title of Recipient)* will there upon revert to and vest in and become the absolute property of *(Title of Recipient)* 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 restored 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 VJ 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.*).