



**2023 Title VI Implementation Plan
SUPPLEMENT**

**Federal Motor Carrier Safety Administration
Compliance Plan and Assurances**

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INTRODUCTION

As a recipient of federal financial assistance, it is the Oregon Department of Transportation's (ODOT), including its subrecipients, is obligated to adhere to, and is committed to achieving full compliance with Title VI of the Civil Rights Act of 1964 (Title VI) and all related nondiscrimination laws.

As a primary recipient of aid from the Federal Highway Administration (FHWA), ODOT's *Title VI Implementation Plan* is reviewed, revised and submitted to FHWA annually. ODOT's 2023 plan will be submitted to FHWA in October 1, 2022. FHWA will notify ODOT of plan acceptance and confirmation of compliance in November 2022. ODOT's 2023 Title VI Implementation Plan will be accessible online here: <https://www.oregon.gov/ODOT/Business/OCR/Pages/Non-Discrimination.aspx> under "Related Links"

The Federal Motor Carrier Safety Administration (FMCSA) requires of its recipients a Title VI plan and assurance to comply with 49 C.F.R. part 21 and 49 C.F.R. part 303, which provide for implementing the Federal Motor Carrier Safety Administration's Title VI program under the Civil Rights Act of 1964 and related civil rights laws and regulations. **ODOT has prepared this supplement to the forthcoming 2023 Title VI Implementation Plan to provide assurances and a plan for compliance with the Federal Motor Carrier Safety Administration and its Title VI program.**

POLICY STATEMENT

It is the Oregon State Department of Transportation's (ODOT) policy to assure that no person shall, on the grounds of race, color, national origin, age, sex, disability, income level or Limited English Proficiency as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefit of, or be otherwise discriminated against under any of the programs or activities it administers.

As the Director of the ODOT, I have designated the Title VI Coordinator, Disadvantaged Business Enterprise Manager, and the Employee Civil Rights Manager to have direct and unfettered access to contact and/or meet with me when there is concern that needs to be brought to my attention, whether internal to ODOT or through our external partners, customers or contractors. Under this policy, these designated officials need not obtain any other organizational or managerial approval and will have the full support of my staff to work directly with me to address civil rights matters. Additionally, the Title VI Coordinator will receive the full participation and cooperation of affected ODOT staff, as needed, in implementing ODOT's Title VI compliance activities, including compliance with 49 C.F.R. part 21 (Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation - Effectuation Of Title VI Of The Civil Rights Act Of 1964) and 49 C.F.R. part 303 (Federal Motor Carrier Safety Administration's Title VI/Nondiscrimination Regulation).

This Nondiscrimination Policy Statement and was signed by ODOT Director Kristopher Strickler on June 8, 2022, and can be found on page 16 of this document.

ASSURANCES

The Oregon Department of Transportation agrees that, as a condition for receiving any federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), ODOT is subject to and will comply with the Standard Title VI Nondiscrimination Assurances described in USDOT Order 1050.2A and including the following Act, Regulations and Executive Orders:

- 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);
- Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”
- Executive Order 13166 (2001) on Limited English Proficiency

The Federal Motor Carrier Safety Administration Standard Title VI Nondiscrimination Assurances, with annexes, was signed on June 8, 2022, and can be found on page 18 of this document.

ORGANIZATIONAL STRUCTURE

The Oregon Department of Transportation Title VI Program is led by the Title VI/EJ/ADA Program Manager. The Title VI/EJ/ADA serves as the Title VI Coordinator and is responsible for oversight and assistance with Title VI nondiscrimination activities within ODOT program areas as well as the monitoring of subrecipients who receive federal financial assistance through ODOT. This position reports to the ODOT Office of Civil Rights Manager. Title VI/EJ/ADA Program Manager: David Morrissey. Telephone: (503) 986-3870.

Contact with the Oregon Department of Transportation, Title VI Program can be made at:

ODOT Office of Civil Rights
800 Airport Rd SE
Salem, Oregon 97301
Telephone: 503-986-4350

ODOT includes in its *Title VI Implementation Plan* the agency director's signed Policy Statement dated annually, which assures that the Title VI Coordinator, Disadvantaged Business Enterprise Manager, and the Employee Civil Rights Manager will have direct access to them without any intermediary.

DESCRIPTION OF FEDERAL AID PROGRAM

The Commerce and Compliance Division (CCD) of the Oregon Department of Transportation (ODOT) is responsible for Oregon's Commercial Motor Vehicle (CMV) Safety Program. CCD employs 74 Motor Carrier Enforcement Officers and 31 Safety Compliance Specialists. Safety Compliance Specialists are Level I certified truck inspectors. All Safety Compliance Specialists receive Hazardous Materials training. Specialists also conduct Safety Compliance Reviews of motor carriers. Motor Carrier Enforcement Officers are Level 1 certified truck inspectors. Additionally, law enforcement agencies participate as subrecipients in Oregon's MCSAP program. Officers assigned to this duty all receive, at a minimum, Level III training and certification. Oregon deploys a multi-faceted program of driver/vehicle inspections, traffic enforcement, compliance reviews, public education and awareness campaigns, data collection, and other safety related activities all aimed at reducing truck and bus crashes in Oregon.

Oregon has three major freight routes that travel through both very densely populated areas (primarily in the I-5 corridor) and very rural areas (found in the I-84 and US-97 corridors). Many of Oregon's truck scales/inspection facilities are located in rural areas. In addition to scale facilities that are primarily staffed with ODOT personnel, the highways are patrolled by Oregon State Police and various county sheriff and city police department partners. Oregon continues to utilize law enforcement agencies to conduct on-highway commercial motor vehicle/driver inspections in conjunction with traffic enforcement.

Oregon has a Safety Compliance Review Program utilizing AIM software. CCD has 31 Safety Compliance Specialist positions certified to conduct safety compliance reviews. Reviews are uploaded to MCMIS. Interstate carriers receive a federal safety rating and intrastate carriers receive a state safety rating.

Oregon has an active Hazardous Material Program. ODOT Compliance Specialists are trained to conduct HM security contact reviews and provide HM classes to inspectors. ODOT will continue to conduct HM security contact reviews in conjunction with CR's involving motor carriers transporting certain HM commodities. All HM compliance reviews result in a safety fitness rating. Hazardous Materials shipper reviews and audits of motor carrier docks are also conducted to determine compliance with the HM

regulations by HM shippers.

In a continuing effort to improve public safety, the CCD maintains a toll-free Hotline and online incident form. This allows the public to report unsafe operation and actions by motor carriers and their drivers.

Oregon offers the web site OregonTruckingOnline.com to motor carriers. This site allows carriers to conduct business with Oregon online and complete many state required reports online. This site also allows motor carriers to review their own Oregon safety data and inspection records. After viewing inspection records, company officials can then certify inspections.

In Oregon, inspection personnel and Compliance Specialists continue to verify CDL status either through the Law Enforcement Data System, Commercial Driver License Information System, and/or the Oregon DMV system. The latter is utilized for both in-state and out-of-state drivers who may have outstanding suspensions in Oregon. All CDL drivers are also checked using the State Pointer Exchange Service.

On an annual basis, through administrative rulemaking, the CCD re-adopts the North American Standard Out-Of-Service Criteria (Part I Driver, Part II Vehicle, Part III Hazardous Materials, and Part IV Administrative). Oregon Administrative Rules clearly state that "Drivers found to be disqualified in this State or any other jurisdiction, as specified in 49 CFR, Part 391.15 will be placed out-of-service until requalification is established."

The CCD continues to work closely with ODOT Transportation Safety Division to create public education and awareness campaigns employing various brochures and public service announcements. These efforts are directed at both CMV and non-CMV drivers. CCD staff participates in developing the State Safety Action Plan. CCD staff also participate in Oregon's Traffic Records Coordinating Committee (TRCC).

The CCD attempts to determine the cause of all federal recordable CMV crashes. Crash analysts review facts contained in crash and police reports to determine preventability and causation. Crashes determined to be caused by the actions of the CMV driver or the mechanical condition of the CMV are labeled as truck-at-fault (TAF) or bus-at-fault (BAF) crashes.

The Driver and Motor Vehicle Services Division (DMV) of ODOT is responsible for Oregon's Commercial Driver License (CDL) program. DMV employs approximately four hundred individuals working at sixty field offices located in communities throughout Oregon.

Additionally, the DMV headquarters facility employs approximately four hundred and seventy staff, working onsite or remotely and organized into four service groups.

DMV conducts CDL tests to ensure that applicants have the knowledge and skill necessary to safely operate a commercial motor vehicle (CMV) before obtaining a CDL in Oregon. Knowledge and skills tests must meet the standards described in Federal Motor Carrier Safety Administration (FMCSA) rules. The tests are tailored to the vehicle class and type and measure the applicant's knowledge of subjects related to safe CMV operation and the applicant's ability to operate a CMV safely.

DMV ensures that CDL applicants have completed any applicable entry level driver training requirements prescribed by FMCSA prior to taking a CDL skills test or a hazardous materials endorsement test.

DMV offers eight different commercial knowledge tests; a general knowledge test for all commercial motor vehicles, a combination test for CMVs that tow one or more trailers, an air brake test for CMVs equipped with air brakes, a double and triple trailer test, a tanker vehicle test, a passenger vehicle test, a school bus test, and a hazardous materials test. DMV administers knowledge tests using an Automated Testing Device (ATD) with an audio option. When necessary, DMV may use written tests or an employee-conducted oral test. Commercial knowledge tests are conducted in English only. The minimum passing score for knowledge tests is 80%. CDL knowledge tests are offered at all field offices in the state.

A CDL skills test is comprised of three exercises: a pre-trip vehicle inspection, basic control skills (BCS) test, and a road test. An applicant must have held a commercial learner permit (CLP) at least 14 days prior to the taking the CDL skills test. All CDL skills tests must be conducted in a vehicle of the same type and class for which the license will be issued. Federal regulations require that a CDL skills test is conducted in English only. A passing score for a pre-trip inspection test is dependent on vehicle class and type. Passing scores for the BCS exercise and drive test exercise have a standard number of allowable errors. In addition to a test failure based on score, procedures also provide for failure based on an applicant's demonstration of specific unsafe behaviors during any CDL skills test. These are referred to as Grounds for Immediate Failure (GFIF).

DMV suspended our jurisdictional CDL skills testing program in March of 2020 in response to the COVID 19 pandemic. DMV has not reinstated the jurisdictional testing program and is relying on CDL third party testing businesses for all CDL skills testing needs at this time. DMV previously offered CDL Skills Testing at twelve sites throughout the state and had approximately twenty-five employees certified to conducted CDL skills tests.

DMV administers a CDL third party testing program that permits certified CDL third party testing businesses to provide CDL skills testing services to Oregonians. This program provides applicants with varied options for testing. DMV's program provides oversight of CDL third party testing businesses as prescribed by FMCSA regulations. There are about 35 approved testing businesses that employ approximately 150 certified examiners. Third party testing businesses administer all of the CDL skills tests conducted in Oregon. CDL third party testing businesses must apply through a competitive or special procurement process, or if a governmental entity, execute an intergovernmental agreement (IGA) with DMV. Driver Programs is responsible for issuing and managing contracts and credentials, as well as the regulation, administration, and oversight of CDL third party testing businesses and their employed examiners. The program is responsible for examiner evaluations, and onsite, as well as electronic, review and inspection of the testing business records.

DMV waives tests for new Oregon residents who surrender a valid out-of-state CDL. The hazardous materials knowledge test is the only test that cannot be waived. Skills tests can also be waived when an applicant can provide evidence of military CMV training and experience.

DMV maintains CDL and CLP records. DMV records convictions, suspensions, revocations, and reinstatements of commercial driving privileges (CDP). Most of the conviction and suspension orders are received from Oregon courts. Additionally, DMV records convictions and suspensions of CDP for Oregon CDP holders based on documentation received from other states or jurisdictions. DMV processes these convictions as though the offense occurred in Oregon. DMV imposes sanctions as prescribed by FMCSA regulations. DMV transmits driver status and driver history information electronically to comply with Federal reporting requirements.

DMV also manages medical certification requirements for Oregon commercial driving privilege holders as required by federal regulations. Oregon cancels commercial driving privileges when an individual does not meet program requirements.

A description of ODOT's other Federal-Aid programs can be found on page 2 its current *Title VI Implementation Plan*.

NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

ODOT has posted notification of its nondiscrimination policy with a poster in all facilities and on its [website](#). A copy of the poster appears at the end of this document (page 14). The poster provides notice of ODOT's Nondiscrimination policy, its compliance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and provides guidance for seeking additional information and filing complaints of discrimination.

CCD staff receive training on ODOT's nondiscrimination program and on the necessity of publicly posting ODOT's Title VI nondiscrimination policies in all facilities. This information was also included in the 2020 revision of ODOT's Motor Carrier Education Manual.

SUBRECIPIENT COMPLIANCE REPORTS

ODOT's Title VI compliance monitoring of subrecipients is conducted under the direction of the Office of Civil Rights. All subrecipients of federal funding through ODOT are subject to Title VI compliance reviews.

CCD is continually working to implement intergovernmental agreements (IGA's) with law enforcement agencies to have their officers perform roadside inspections as subrecipients of the MCSAP grant. CCD has five MCSAP subrecipients as of June 2022: Clackamas County Sheriff, Oregon City Police, Multnomah County Sheriff, City of Portland Police Bureau, and City of Sandy Police Department,

CCD requires all agencies with truck inspectors certified by ODOT to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Additionally, CCD maintains a copy of each subrecipients' Title VI Program Compliance Plan.

The monitoring of FHWA subrecipients includes engaging metropolitan planning organizations (MPOs) and local public agencies (LPAs). These subrecipients are also charged with Title VI responsibilities such as maintaining a Title VI implementation plan and an Annual Accomplishment Report, and ensuring that any contractors follow the same nondiscrimination regulations as ODOT and its subrecipients. All ODOT subrecipients of FTA funds must create and maintain a Title VI Plan to ensure that public transportation is provided in a nondiscriminatory manner.

ODOT's subrecipient compliance program is detailed in its 2022 *Title VI Implementation Plan*, Part 4 External Monitoring. This information will also be detailed in the forthcoming 2023 *Title VI Implementation Plan*

TRAINING

In furtherance of its goal to have Title VI nondiscrimination considerations engrained in how ODOT conducts business and how it provides its services, ODOT has taken steps to ensure its employees and sub-recipients receive Title VI Program training. The ODOT Office of Civil Rights provides a Title VI nondiscrimination training for ODOT, its recipients and subrecipients, as described in the *Title VI Implementation Plan*.

ODOT's Commerce & Compliance Division has implemented a general Title VI Program training course in partnership with the Office of Civil Rights that is mandatory for all employees. The general Title VI Program training course ensures employees understand the purpose and intent of Title VI, the role of the Title VI Coordinator, the complaint process, providing language assistance, the connection between Title VI and Environmental Justice, and the responsibility each employee has in ensuring ODOT's programs and services are delivered in a nondiscriminatory manner. The training will be part of every employees' annual compliance training plan.

DMV will implement FMCSA approved Title VI specific training for Licensing and Registration staff in FFY 2022.

CCD has implemented inspector and investigator-specific Title VI training designed for MCSAP and Law Enforcement Grantees. This PowerPoint training is provided to all CCD and Law Enforcement inspectors and investigators upon their initial by ODOT. Reoccurring training is provided in refresher training courses along with a discussion on the general understanding of how to address and comply with the FMCSA Enforcement Memorandum regarding ELP versus LEP (MC-ECE-2016-006), how discrimination complaints are filed, and CCD's data driven inspection policy (MCS-21-01).

ACCESS TO RECORDS

ODOT will make all records relating to the implementation of its Title VI and Nondiscrimination Program available for review by FMCSA upon request.

COMPLAINT DISPOSITION PROCESS

ODOT has an established complaint disposition procedure that describes a prompt process for investigations and disposition of complaints of discrimination. ODOT's complaint procedures are included in its 2022 *Title VI Implementation Plan* and are described on the [ODOT web page about the Title VI program](#) and [the online complaint submission form](#).

The ODOT Office of Civil Rights maintains a log of complaints that have potential Title VI implications and includes a summary of those complaints in its annual Title VI Goals and Accomplishments Report to the Federal Highway Administration. This log includes 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. ODOT also maintains case files of complaint investigations.

ODOT shall make case files and the Complaint Log available to the FMCSA upon request. FMCSA requires its grantees to appropriately dispose of any Title VI Program-related complaint it receives from a member of the public arising under an FMCSA-funded program. Complaint disposition includes investigation of a complaint if ODOT determines that an investigation is warranted. FMCSA does not accept appeals from Complainants. A Complainant, if dissatisfied with how ODOT disposed of her/his complaint, may file a separate complaint with FMCSA. Upon receipt, FMCSA may request a written response from ODOT to the allegation(s) and may include a request for a copy of the case file. After review of the ODOT written response and/or case file, FMCSA will determine whether any FMCSA action is needed.

STATUS OF CORRECTIVE ACTION

Applicants applying for federal funding from FMCSA that have undergone a Civil Rights Title VI Program Review by FMCSA-CRO or any other Federal Agency must provide a copy of the Compliance Review Report. The USDOT has not identified any deficiencies in the Oregon Department of Transportation Title VI Program within the last five years.

Every three years, ODOT participates in FTA's State Management Review (SMR) as it relates to the implementation of FTA-supported programs. The SMR includes a review of ODOT's Title VI Program, including oversight and management of transit agencies and other subrecipients. The most recent SMR was conducted in 2018.

ODOT details its implementation of Title VI and related nondiscrimination programs in its annual *Title VI Implementation Plan* as well as through annual submission of a Title VI Goals and Accomplishments Report to the Federal Highway Administration.

COMMUNITY PARTICIPATION PROCESSES

It is the policy of the State of Oregon to provide all Oregonians equal access to transportation decision-making so all Oregonians may fairly share in benefits and burdens and enjoy the same degree of protection from disproportionate adverse impacts. ODOT's Strategic Business Plan sets the agency's commitment to engage stakeholders in public involvement in all of its projects. The plan's strategy priorities include:

- Engage the public, other state agencies, local governments, business and community leaders in solving transportation problems and planning for the future.
- Communicate, educate and inform the public about transportation issues.

Information about ODOT's Public Participation Process is included in its 2022 *Title VI Implementation Plan* and accompanying Public Involvement Plan Template for ODOT Projects, which includes guidance for engaging the trucking industry. ODOT also maintains a long-standing Motor Carrier Transportation Advisory Committee made up of representatives from the ODOT, Oregon State Police, the trucking industry and other interested organizations and individuals.

Oregon DMV Procedure for Public Engagement Regarding Changes to Services and Facilities

Oregon DMV conducts processes for public engagement when considering changes to locations, hours of operation, service availability and disruptions of services for its field offices across the state.

1. **Change of location:** The State of Oregon handles a change of state office locations in much the same way as the private sector. DMV, a division of the Oregon Department of Transportation, works with State Department of Administrative Services' Real Estate and Property Management Services unit. This unit of DAS acts as the state's real estate representative in engaging the private sector to locate office space.
2. **Change in office hours or services or closure of an office.** In an effort to balance service availability across Oregon, DMV periodically adjusts office hours and specific service availability at its offices in response to customer demand, transaction volumes, population growth and customer feedback. Offices must occasionally close temporarily for repairs, replacement or upgrade in furnishings, structure and parking lots, as well as customer service equipment. DMV also engages public input when it implements changes in services due to new state legislation and/or federal regulatory changes such as the Real ID Act and federal commercial driver licensing. On rare occasions, DMV closes offices permanently.

DMV Change of Location Process

Facility leases are reviewed 18-24 months prior to lease expiration date to determine if facility is adequately maintained, fiscally responsible and direct access to services. Evaluations are conducted based on community demographic growth rates, customer volumes, customer wait times, and transaction types.

Leases are reviewed 18-24 months prior to the lease expiration date to determine if current facility has been adequately maintained, within current market rate, and facility meets ongoing customer service demands. Accumulation of public input – in person, through DMV Customer Assistance phone agents, DMV Field Services customer feedback forms, feedback through the DMV website, email, constituents through lawmakers via ODOT Government Relations, and Ask ODOT, the department's ombudsman service.

ODOT partners with DAS Property Management for both renewing leases and/or includes DAS and its network of resources to conduct property searches for new DMV locations. DAS receives a list of specific DMV property search requirements for new locations which includes items like specific public safety standards to conduct drive tests, parking and facility direct access to services, adequate parking lot size, large vehicle parking, lobby and facility space requirements, direct access to appropriate network bandwidth infrastructure, among others, before DAS to start the potential search radius for a DMV location.

Proposals are submitted and reviewed at various levels within DMV for any requested DMV service changes (hours, services). DMV engages with local stakeholders and leaders announcing a change and date of implementation – employees, local leaders, legislators, customers, and business partners such as vehicle dealers.

DMV Public Engagement Channels

In addition to monitoring customer transaction volumes, wait times and geographic variations in customer demand for different types of services, DMV engages with customers, external partners and stakeholders, and community leaders in these ways:

1. Outreach prior to proposed change

- Accumulated direct customer feedback and suggestions at field offices and through field customer feedback form
- Customer submission of suggestion by email
- Customer submission via DMV website feedback form (Ask ODOT)
- Customer input through ODOT social media
- Customer surveys (shifting from hard copy by mail to online) – recent examples Real ID awareness and preparation needs
- Online open house – recent example is Service Transformation Program customer service wish list for new technology
- Rulemaking public feedback period and/or public hearing – when proposed change involves administrative rule changes
- Key partners such as vehicle dealers, motor carriers, Driver Education providers, third-party testing providers, motorcycle skills training program
- Oregon Transportation Commission – DMV status updates include proposed changes in services and offices, commission approval is required when administrative rulemaking is involved
- Related committees such as Motor Carrier Advisory, Transportation Safety, Motorcycle Safety, Impaired Driving
- Best practices and experiences from DMVs across North America from the American Association of Motor Vehicle Administrators

2. Announcement of change

- Employee notification email, letter and internal newsletter
- Notification of union(s) representing affected employees
- Letter to stakeholders that utilize or require state-issued ID for services including: law enforcement, courts, motor carriers, financial institutions, schools, third party testing agencies, vehicle dealerships, retail organizations, tavern trade groups, medical service providers, dispensaries, travel service associations, restaurant and hospitality organizations, etc.
- When the service change includes a law change, direct notification to courts and law enforcement through the state Law Enforcement Data System
- Notification to local governments and partner government agencies, such as DEQ, which acts as third-party vehicle registration renewal provider, and agencies that utilize state-issued ID or require it for services
- Notification to state and sometimes federal lawmakers by ODOT Government Relations Liaison for DMV

- Office signage announcing coming change to location, services or hours
- News release – statewide or regional, depending on offices affected, announcing change, date of change, and in case of a temporary office closure suggested alternative sources of DMV services
- Social media – ODOT Facebook and Twitter presence
- Paid media – TV, radio and news PSAs only for major changes or proposed changes such as Real ID Act compliance

3. After change implemented

- Employee input from experience gained implementing the change
- Customer feedback and suggestions at field offices and through field customer feedback form
- Customer feedback by email
- Customer feedback by website feedback form
- Customer feedback through ODOT social media
- Customer surveys
- Feedback from stakeholders, including law enforcement, partner government agencies, Oregon Transportation Commission, committees, trade groups, etc.

Oregon DMV includes public involvement as part of a continuous evaluation process on the efficiency, effectiveness and convenience of its services, and makes adjustments as needed. Including public and stakeholder input, transaction volumes, demographic and economic changes, and regional variations support informed decision making. ODOT will make all records relating to the implementation of its public engagement processes concerning changes to Oregon DMV services and facilities available to FMCSA.

Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies

ODOT CCD developed Inspection Selection Policy MCS-21-01 that incorporates Commercial Vehicle Safety Alliance’s Operational Policy #13 (“Selecting Vehicles for Inspection”). Policy MSC-21-01 was made effective May 29, 2021, and is approved by Carla Phelps, Commercial Vehicle Safety and Enforcement Executive Manager.

Current CCD inspectors and certified law enforcement partners (including all subrecipients) are required to certify that they understand, and will follow Inspection Selection Policy MCS-21-01. This certification and policy is distributed through Title VI Inspector and Investigator specific training. CCD maintains a record of certification that the materials have been reviewed and will be followed.

Title VI Inspector and Investigator specific training is provided with every new inspector certification course. Additionally, Policy MSC-21-01 is reviewed in all inspection refresher training as part of an interactive question and answer session. Inspectors certified by ODOT are generally part of an inspection refresher class once every three years.

Your Rights under Title VI of the Civil Rights Act and the Americans with Disabilities Act (ADA)

The Oregon Department of Transportation (ODOT) complies with the Civil Rights Act of 1964, the Americans with Disabilities Act, and other federal nondiscrimination authorities. These authorities prohibit discrimination based on race, color, national origin, age, disability, sex, income level, and Limited English Proficiency in ODOT's programs, activities, services, operations, delivery of benefits, and opportunities to participate.

To ensure equitable access, ODOT provides accessibility aids, translation, and interpretation services for all public events and vital documents, free of charge, upon request. You can obtain these services by providing reasonable advance notice.

- Need Title VI or ADA related assistance or information?
- Need translation of an ODOT publication?
- Need interpretation for an ODOT event or activity?
- Need an accessibility aid for an ODOT event or activity?
- Need to submit a discrimination or accessibility complaint?

Please contact the ODOT Office of Civil Rights

Title VI Officer
ODOT.TITLEVI@ODOT.Oregon.Gov

ADA Program Manager
ODOT_ADA@ODOT.Oregon.Gov

Toll Free: (855) 540-6655
For an Interpreter: 711
Internet Relay:
<http://www.sprintip.com>
Fax: (503) 986-6382



Scan for details

Sus derechos conforme al Título VI de la Ley de derechos civiles y la Ley de estadounidenses con discapacidades (ADA)

El Departamento de Transporte de Oregon (Oregon Department of Transportation, ODOT) cumple con la Ley de derechos civiles de 1964, la Ley de estadounidenses con discapacidades (Americans with Disabilities Act, ADA) y lo establecido por otras autoridades federales contra la discriminación. Estas autoridades prohíben la discriminación por motivo de raza, color, origen nacional, edad, discapacidad, sexo, nivel de ingresos y dominio limitado del inglés en los programas, actividades, servicios, operaciones, entrega de beneficios y oportunidades para participar que brinda el ODOT.

Para garantizar el acceso igualitario para todos, el ODOT brinda asistencia y servicios de traducción e interpretación para todos los eventos públicos y los documentos públicos, sin cargo, a petición de los interesados. Puede obtener estos servicios si lo solicita con anticipación razonable.

- ¿Necesita asistencia o información relacionada con el Título VI o la ADA?
- ¿Necesita una traducción de una publicación del ODOT?
- ¿Necesita servicios de interpretación para un evento o actividad del ODOT?
- ¿Necesita asistencia con el acceso para un evento o actividad del ODOT?
- ¿Necesita presentar una queja por discriminación o por un problema de accesibilidad?

Contacte a la Oficina de derechos civiles del ODOT

Director del Título VI
ODOT.TITLEVI@ODOT.Oregon.Gov

Gerente del Programa ADA
ODOT_ADA@ODOT.Oregon.Gov



Línea gratuita: (855) 540-6655

Para un intérprete: 711

Servicio de retransmisión por Internet:
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Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, Oregon 97301

TITLE VI AND RELATED AUTHORITIES NONDISCRIMINATION POLICY STATEMENT

June 8, 2022

It is the Oregon State Department of Transportation's (ODOT) policy to assure that no person shall, on the grounds of race, color, national origin, age, sex, disability, income level or Limited English Proficiency as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefit of, or be otherwise discriminated against under any of the programs or activities it administers.

As the Director of the ODOT, I have designated the Title VI Manager and Disadvantaged Business Enterprise Manager to have direct and unfettered access to contact and/or meet with me when there is concern that needs to be brought to my attention, whether internal to ODOT or through our external partners, customers or contractors. Under this policy, these designated officials need not obtain any other organizational or managerial approval and will have the full support of my staff to work directly with me to address civil rights matters. Additionally, the Title VI Manager will receive the full participation and cooperation of affected ODOT staff, as needed, in implementing ODOT's Title VI compliance activities, including compliance with 49 C.F.R. part 21 (Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation - Effectuation Of Title VI Of The Civil Rights Act Of 1964) and 49 C.F.R. part 303 (Federal Motor Carrier Safety Administration's Title VI/Nondiscrimination Regulation).

ASSURANCES

The Oregon Department of Transportation agrees that, as a condition for receiving any federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), ODOT is subject to and will comply with the Standard Title VI Nondiscrimination Assurances described in USDOT Order 1050.2A.

These Assurances, signed by me on this date, accompany this policy statement.

Kristopher W. Strickler
Director

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Oregon Department of Transportation (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**:

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

“The Oregon Department of Transportation 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, the Oregon Department of Transportation 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.

The Oregon Department of Transportation 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 Oregon, 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 signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Oregon Department of Transportation

by



Director Kristopher W. Strickler

DATED June 08, 2022

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 [,] [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 restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).