

FMCSA Title VI Program Compliance Plan



Division of Motor Vehicles

July 2025

I. Title VI Program Policy Statement

It is the policy of the Colorado Department of Revenue, Division of Motor Vehicles (CDMV) to prohibit discrimination on the basis of race, color, national origin, sex, age, or disability. This policy is documented in Exhibit A, from the Senior Director, Division of Motor Vehicles, Non-Discrimination Policy which is available to all CDMV employees and the public.

Please see attached **Exhibit A** letter from the Senior Director of the CDMV regarding the Division's Policy Statement.

II. FMCSA Title VI Program Assurance

Please see the attached **Exhibit B**, CDMV signed Federal Motor Carrier Safety Association (FMCSA) Title VI Program Assurance, entitled, The United States Department of Transportation Standard Title VI/Non-Discrimination Assurances Department of Transportation (DOT) Order No. 1050.2A.

III. Description of Federal-Aid Programs

Title VI Program Compliance Plan is for the proposed 2025 CDLPI grant application submitted by the CDMV, for the period of October 1, 2025 to September 30, 2029 for 1,739,098 and shall remain in effect and in compliance for any future grants from FMCSA. A summary of the activities associated with the Grant Program:

Purpose: To support training initiatives for third-party examiners, including initial, remedial training and continuing education, behind-the-wheel training, monitoring devices, file management, travel, participation in industry-related seminars, auditing initiatives for third-party examiners, continuing education for CDL staff, and audit-related travel.

To meet purpose: To reduce fraud, improve road safety by commercial drivers, and to ensure Colorado's compliance with the requirements of the FMCSA, the CDL Compliance Unit (CDLCU) will conduct comprehensive annual audits of all third-party testing units and their satellite locations, revise and clarify examiner training curriculum and lesson plans, and create new evaluation protocols to strengthen testing consistency statewide in compliance with 49 CFR 384.228 and 384.229.

Objective and benefit to the public: These efforts will reduce fraud within the CDL testing process, ensure only qualified commercial drivers are licensed, and improve safety on Colorado's roadways. By strengthening examiner training and ensuring consistent, fair testing statewide, the program helps protect all road users, supports the safe movement of goods and people, and maintains Colorado's compliance with federal safety and program integrity requirements.

Benefit to minority groups: No person, regardless of race, color, national origin, sex, age, or disability is excluded from participation in, denied the benefits of, or is otherwise subjected to discrimination under any program or activity for which the Colorado Division of Motor Vehicles, through the Colorado Department of Revenue (CDOR), receives Federal financial assistance from DOT, including the FMCSA.

IV. Notification to Beneficiaries/Participants

The Colorado Division of Motor Vehicles gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, or disability, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding the Colorado Division of Motor Vehicles's Title VI Program can contact the Colorado Department of Revenue Title VI Program Coordinator – Human Resources Director – at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability, has the right to file a formal complaint. 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, or disability, 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:

Eva LaBonte, Human Resources Director
Office Of Human Resources
Colorado Department of Revenue
1697 Cole Blvd., Golden, CO 80104
(303) 866-3721 Office
(303) 866-3773 Fax

Or by submitting information via the Colorado Department of Revenue's Discrimination Complaint Form on the [CDMV Title VI \(Anti-Discrimination\) web page](#).

The CDMV Title VI plan is posted on the [CDMV Title VI \(Anti-Discrimination\) web page](#) and non-discrimination notices are posted in all publicly-accessed facilities. These notices are in accordance with the recommendations by FMCSA. The content includes a statement affirming that the CDMV does not discriminate, procedures to request additional information, procedures to file a complaint, including representative and contact information, and complaint forms in English and Spanish.

V. Sub-Recipient Compliance Reports

The CDMV does not sub-award FMCSA funds to other Recipients. There are no Sub Recipients.

VI. Training

The CDMV conducts periodic Title VI Program training to its personnel. Training includes the Title VI Program Policy Statement and the FMCSA Motorist Licensure & Motor Vehicle Registration Activities: Intersection With The Title VI Program power-point presentation web-based annually or at least every other year. The CDMV maintains training records of personnel receiving the Title VI Program training and will submit to FMCSA OCR upon request. When the CDMV updates the existing Title VI Program training, the updates are submitted to FMCSA OCR for review and

comments.

Additionally, the CDMV will train its employees utilizing the web-based Annual Compliance training that every state employee must complete that includes Creating Preventing Sexual Harassment in the Workplace, Ethics and Conflict of Interest, and Preventing Discrimination and Harassment in the Workplace.

VII. Access to Records

The Colorado Division of Motor Vehicles will provide Access to Records to FMCSA upon request to the Title VI Program-related documentation. Requests should be submitted to the Title VI Program Coordinator.

VIII. Complaint Disposition Process

The CDMV implemented a Title VI Anti-Discrimination Complaint and Disposition Process to handle complaints by members of the public and address all complaints. This process includes intake, investigation planning, conducting, writing a report if required, and ultimately recording a final disposition of each complaint filed. A complaint form is available in English and Spanish for members of the public who believe that they have been subjected to discrimination by the CDMV. This information is made available via our website. CDMV maintains a log of all records and dispositions of all filed complaints which will be made available upon request to FMCSA.

IX. Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

The CDMV has no Corrective Actions based on previous Title VI Program Compliance Reviews.

X. Community Participation Process

The Colorado Division of Motor Vehicles (CDMV) is committed to ensuring equitable access to its services for all members of the public, consistent with Title VI requirements. This commitment includes a robust community participation process, particularly when considering changes to public-accessed facilities or services.

1. Evaluation of Impacts for Proposed Changes in Facilities or Services:

CDMV will evaluate the potential impacts on the public, with particular attention to potential disparate impacts on minority groups.

- a. **For Proposed Increases:** If the proposed change involves an increase in public-accessed facilities (e.g., driver license offices, kiosks) or services provided/activities conducted at these facilities (e.g., knowledge tests, skills tests), a minimal evaluation of impacts will be conducted, as such changes are generally anticipated to benefit the public.
- b. **For Proposed Decreases:** If the proposed change involves a decrease in public-accessed facilities or services, a more thorough evaluation will be conducted. This evaluation will, at a minimum, consider the following questions:
 - i. Is the decrease localized, regional, or state-wide?

- ii. Are there other facilities or methods of conducting activities/services (e.g., applying for licenses/registrations or renewals online, activities/services at County facilities or available through other 3rd-Party Testers) available in the local or regional area that can mitigate the impact of the decrease?
- c. **Documentation:** The evaluation and its findings regarding potential impacts will be documented in the appropriate shared folder location.

2. Determination of Outreach Necessity and Intensity:

Based on the impact evaluation, CDMV will determine the appropriate level of outreach required to inform and, if necessary, solicit feedback from the public regarding the proposed changes.

- a. **Minimal Outreach:** If the impact is local or regional and other accessible methods for obtaining services exist in the area, outreach may be limited to a notice to the public regarding the change and identification of alternative service methods on the DMV's main website and signage at office locations where impacted members of the public interact with the DMV.
- b. **Intensive Outreach:** If multiple facilities regionally or state-wide will be affected, and there will be a marked diminution of available facilities and services, an intensive outreach effort will be undertaken. This effort will follow the procedures outlined below.

3. Intensive Outreach Procedures (if deemed necessary):

When an intensive outreach effort is determined necessary, CDMV will define procedures to accomplish the following:

- a. **Prepare a Stakeholders List:** This list will identify both affected customers (benefited and burdened by the program) and any advocacy groups, churches, community-based organizations, and other advisory bodies. The list will include demographic information for affected customers regarding race, color, national origin, sex, age, and disability. The list will be sufficiently inclusive to ensure the news of the proposed change(s) is communicated to the greatest number of customers.
- b. **Plan Public Meetings:** Determine an effective number of Public Meetings to hold in strategically significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (e.g., newspapers, newsletters, posters), electronic media (e.g., website, social media including Facebook, Twitter), and stakeholder groups identified in the Stakeholders List.
- c. **Publicize Proposed Changes:** Communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (e.g., newspapers, newsletters, posters), electronic media (e.g., website, social media including Facebook, Twitter), and stakeholder groups. This news will be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic, or historical barriers.
- d. **Conduct Public Meetings:** Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s).
- e. **Review and Analysis:** At the conclusion of the outreach effort, CDMV will review the comments and analyze the impacts to all customers (regardless of a customer's race, color, national origin, sex, age, or disability) regarding their ability to access the facilities/services

both prior to the proposed change(s) and following the proposed change(s). This analysis will be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented.

- f. **Written Report:** Prepare a detailed record to capture all aspects of the outreach effort.
- g. **Submission to FMCSA:** Submit the record to FMCSA. CDMV notes that FMCSA reserves the right to offer comments as deemed appropriate following a review of the record.
- h. **Implement the Change(s)**
- i. **Monitor Feedback:** Monitor customer communications for a period of time (e.g., six months, one year) for reactions to the change.
- j. **Re-Evaluate and Adjust:** Be prepared to adjust the change(s) as appropriately dependent upon the actual impact to customers.

4. Notification of Title VI Program Protections:

CDMV will notify beneficiaries of protections available to them under the Title VI Program and notify the public of procedures for filing a Title VI complaint. This will be implemented as described in Section IV ("Notification to Beneficiaries/Participants") of this Plan.

5. Review and Revision of Existing Community Participation Approach:

CDMV acknowledges that this requirement for Community Participation outreach is not intended to be developed separate and apart from existing outreach processes. CDMV will periodically review its existing Community Participation outreach approach and revise it to address any requirements from this section that are not presently addressed.

XI. Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies

The CDMV does not conduct commercial motor vehicle (CMV) safety inspections, safety audits of commercial motor carriers, or traffic enforcement activities.

EXHIBIT A
Colorado Division of Motor Vehicles
Title VI Policy Statement.

Physical Address:
1881 Pierce Street
Lakewood, CO 80214

Mailing Address:
P.O. Box 173350
Denver, CO 80217-3350

The Colorado Division of Motor Vehicles, Department of Revenue, is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act and all related non-discrimination authorities, including 49 Code of Federal Regulations (CFR) Part 21 and 49 CFR Part 303. Through its policies, signed FMCSA Title VI Program Assurance, and Title VI Program Procedures, CDMV makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subject to discrimination in any CDMV program or activity on the basis of race, color, national origin, sex, disability or age.

The Executive Director of the Colorado Department of Revenue (CDOR) has designated the CDOR Human Resources Director as the CDMV Title VI Program Coordinator. The Title VI Program Coordinator has delegated authority to the CDMV Senior Director to effectively implement the CDMV Title VI Program.

Questions about CDMV's Title VI Program may be directed to:
Human Resources Director, Employee Equal Opportunity Officer
1697 Cole Blvd., Golden, CO 80104
(303) 866-3721 Office
(303) 866-3773 Fax

Electra Bustle  Digitally signed by Electra Bustle
Date: 2025.08.21 17:02:24 -06'00'

Electra Bustle

Senior Motor Vehicle Director
Colorado Department of Revenue
Division of Motor Vehicles

EXHIBIT B

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The ***Colorado Department of Revenue, Division of Motor Vehicles***, (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, including any amendments thereto (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 sites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

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

“No person in the United States shall, on the grounds of race, color, national origin, sex, age,

or disability, 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. Part 21.23 (b) and 21.23 (e), including any amendments thereto, 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:
 - a. *“The **Colorado Division of Motor Vehicles**, 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, or disability, 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 Colorado Division of Motor Vehicles 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 Colorado Division of Motor Vehicles 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 Colorado, 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.

Colorado Department of Revenue, Division of Motor Vehicles

By Eva LaBonte
Eva Labonte
Colorado Department of Revenue
Human Resources Director
Title VI Compliance Coordinator

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, or disability, 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, including any amendments thereto.
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, or disability.
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 Recipient will accept title to the lands and maintain the project constructed thereon in accordance with State of Colorado 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, including any amendments thereto, 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 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 the 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 Recipient, its successors and assigns.

The 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, or disability, 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 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, including any amendments thereto, 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 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, or disability, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non discrimination covenants, the 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 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 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 the 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, or disability, 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, or disability, 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, the 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, the Recipient will there upon revert to and vest in and become the absolute property of the 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. Part 21.1 *et seq.*, including any amendments thereto, 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); • 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.*).

[END]