Bailey Barnhart

From: Emily Williams
Sent: Friday, February 14, 2025 9:31 AM
To: Carolina Rook; Bailey Barnhart; Jessica Andre
Cc: Bubba King; Ken Huffer; Justin Hogue; Christian Boenisch; Jodi Gollehon; Patricia Rojas; Sam Elliott; Brandon Bowdle
Subject: Sheriff's Office - Item for Board Agenda - Title VI Program Compliance Plan
Attachments: Board Order.docx; 2025 YCSO Title VI Plan.pdf

Good morning,

Attached, please find the Board Order and Title VI Program Compliance Plan for the Sheriff's Office. Counsel Gollehon and Undersheriff Bowdle have worked to develop this plan, which allows YCSO to move the current IGA with Oregon Department of Transportation (SO25007IGA) from an non-reimbursable Truck Safety Inspector to a 95% reimbursable grant funding. In addition, this program will allow YCSO to become eligible for other similar grants.

We request that this item be added to the next available Board agenda.

Thank you,
Emily

Emily Williams
Executive Assistant to Sheriff Elliott

Yamhill County Sheriff's Office
535 NE 5th Street, Room 143
McMinnville, OR 97128
williamse@yamhillcounty.gov

P: (503) 434-7506 x6289
F: (503) 472-5330
https://www.yamhillcounty.gov/482/Sheriff

Interested in joining Yamhill County Sheriff's Office? Check out our Join The Team page to learn about our Office and the recruitment process.

*****CONFIDENTIALITY NOTICE*****
This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.
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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Adopting the Yamhill County Sheriff's Office Title VI Program Compliance Plan and Delegating Signing Authority to the Sheriff	BOARD ORDER 25-049

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on February 20, 2025, commissioners Kit Johnston, Mary Starrett, and David "Bubba" King being present.

IT APPEARING BEFORE THE BOARD AS FOLLOWS:

WHEREAS, Truck inspections are the Yamhill County Sheriff's Office's (YCSO) primary tool for preventing commercial motor vehicle accidents that disrupt county roads and state highways; and

WHEREAS, YCSO wishes to capitalize on a grant opportunity available through the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (the "grant"), in order to field a dedicated commercial motor vehicle enforcement deputy; and

WHEREAS, The grant will allow YCSO to be reimbursed for 95% of the commercial motor vehicle enforcement deputy's salary, necessary equipment, assigned vehicle, and required training; and

WHEREAS, In order to qualify for the grant, YCSO must first adopt a "Title VI Plan" in compliance with the Federal Civil Rights Act of 1964; and

WHEREAS, The YCSO's Title VI Compliance Plan, as provided in the attached Exhibit A, has been pre-approved by the ODOT Commercial Vehicle Safety Program Compliance Manager; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The "Yamhill County Sheriff's Office Title VI Program Compliance Plan", as provided in Exhibit A, attached hereto and incorporated herein, is hereby approved.

Section 2. The Yamhill County Sheriff is hereby delegated signing authority as needed to formalize the "Yamhill County Sheriff's Office Title VI Program Compliance Plan".

//

DONE at McMinnville, Oregon on February 20, 2025.

ATTEST

KERI HINTON
County Clerk

By: Carolina Rook
Deputy CAROLINA ROOK

FORM APPROVED BY:

JODI GOLLEHON

YAMHILL COUNTY BOARD OF COMMISSIONERS

Kit Johnston

Chair KIT JOHNSTON

Commissioner MARY STARRETT

Commissioner DAVID "BUBBA" KING

YAMHILL COUNTY SHERIFF'S OFFICE

TITLE VI PROGRAM COMPLIANCE PLAN

Federal Fiscal Year 2025

B.O. 25-049

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INTRODUCTION

The Yamhill County Sheriff's Office (YCSO) participates in the Commercial Vehicle Safety Program for truck inspections. As a sub-recipient of federal financial assistance, the YCSO 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. In Accordance with Title VI, this plan reflects YCSO's commitment to ensuring that no person shall, on the ground of race, color, national origin, religion, age, marital status, sexual orientation, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by YCSO.

POLICY STATEMENT

It is YCSO's policy 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 Sheriff of YCSO, I have designated Patricia Rojas, Yamhill County Human Resources Manager, as the Title VI Coordinator, and she has direct and unfettered access to contact and/or meet with me when there is concern that needs to be brought to my attention. Under this policy, this designated official 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 YCSO staff, as needed, in implementing Agency'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).

Contact with YCSO, Title VI Plan Coordinator can be made at:

Patricia Rojas, Human Resources Manager
535 NE 5th Street
McMinnville, Oregon 97128
503-434-7308
rojasp@yamhillcounty.gov

Sam Elliott, Yamhill County Sheriff

DATE: 14-FEB-2025

NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

A Title VI Notice to the Public is posted on YCSO's website at www.yamhillcounty.gov/482/Sheriff and in public areas located within each YCSO facility. A copy of the Title VI Notice to the Public is attached hereto as Appendix A.

FMCSA TITLE VI PROGRAM ASSURANCE

The Federal Motor Carrier Safety Administration (FMCSA) Standard Title VI Nondiscrimination Assurances, with annexes, was signed on February 14, 2025, and can be found in Appendix B.

TRAINING

In furtherance of its goal to have Title VI nondiscrimination considerations engrained in how the YCSO conducts business and how it provides its services, YCSO has taken steps to ensure its employees have access to inspector and investigator-specific Title VI training designed for MCSAP and Law Enforcement Grantees. This PowerPoint training is provided to all inspectors upon their initial certification by the Oregon Department of Transportation (ODOT). Reoccurring trainings are further provided in refresher 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 ODOT CCD's data driven inspection policy (MCS-21-01).

COMPLAINT DISPOSITION PROCESS/FILING A TITLE VI COMPLAINT

YCSO has an established the following standard process for investigations and disposition of complaints of discrimination. Members of the public may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. Once a Title VI complaint has been filed it enters a formal Title VI Complaint process. Web-based and PDF Discrimination Complaint Forms are available on the Oregon Department of Transportation (ODOT) Title VI program page and through the following hyperlinks:

- ODOT Nondiscrimination/Title VI Program page
  https://www.oregon.gov/ODOT/Business/OCR/Pages/Non-Discrimination.aspx
- Discrimination Complaint Process Overview
  https://www.oregon.gov/odot/Business/OCR/SiteAssets/Lists/Non_Dis_Main_List/EditForm/ODOT_DIS%20_CMPLNT_PRCSS_2020.pdf
- Web-based Discrimination Complaint Form
  https://www.oregon.gov/odot/Business/OCR/Pages/DIS_CMPLNT_FRM.aspx
- PDF Discrimination Complaint Form

https://www.oregon.gov/odot/Business/OCR/Documents/734_5008_Accessible.pdf

At a minimum, the complaint should include the following information:

- Name, mailing address, and how to contact complainant (i.e., telephone number, email address, etc.)
- How, when, where, and why complainant alleges she/he was discriminated against. Include the location, names, and contact information of any witnesses.
- Other significant information.

The complaint may be filed in writing at any of the following addresses:

- YCSO
  535 NE 5th Street, Room 143
  McMinnville, OR 97128

- ODOT Office of Civil Rights-MS 23
  800 Airport Road SE
  Salem, OR 97301

The complaint process generally includes (but is not limited to) the following procedures:

1. Complaint intake;
2. Investigation planning;
3. Conducting the investigation;
4. Writing the investigation report; and
5. Ultimate disposition of the complaint.

STATUS OF COMPLAINTS & CORRECTIVE ACTION; ACCESS TO RECORDS

The YCSO maintains a log of complaints that have potential Title VI implications and includes a summary of those complaints. This log includes the name of the complainant; identification by demography (i.e., race, color, national origin, etc.); allegation(s); complaint date; date of investigation report; determination made and date; and any other relevant information as deemed appropriate. To date, YCSO has had no Title VI complaints, investigations, or lawsuits filed in the past 5 years.

YCSO will make the complaint log, and all other records relating to YCSO's implementation of its Title VI and Nondiscrimination Program, available for review by FMCSA, or delegate thereof, and/or Oregon DOT upon request.

COMMERCIAL MOTOR VEHICLE INSPECTION SELECTION & UNBIASED ENFORCEMENT POLICIES

In implementation of its Title VI Plan, YCSO shall follow the Oregon Department of Transportation (ODOT) *Inspection Selection Policy MCS-21-01*, which incorporates the Commercial Vehicle Safety Alliance's *Operational Policy #13* ("Selecting Vehicles for Inspection"). Policy MSC-21-01 was based on work conducted at fixed and portable scales, and it was made effective by ODOT on May 29, 2021, as approved by Carla Phelps, Commercial Vehicle Safety and Enforcement Executive Manager.

Current ODOT compliance inspectors and certified law enforcement partners (including YCSO deputies) are required to certify that they understand and will follow Policy MCS-21-01. This certification and policy is distributed through ODOT's Title VI Inspector and through their investigator-specific training. ODOT maintains a record of certification that the materials have been reviewed and will be followed.

ODOT's 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.

DESCRIPTION OF FEDERAL-AID PROGRAMS

YCSO intends to apply for FMCSA Motor Carrier Safety Assistance Program (MCSAP) funding from ODOT and intends to conduct the following activities:

- In a patrol duty or other specialized assignment, maintain public peace and order, protect life and property, prevent crime, apprehend suspected violators of the law, truck inspections and otherwise assure the enforcement of Oregon laws, traffic laws, and local ordinances under the jurisdiction of the Sheriff of Yamhill County.
- Department Patrol Deputies are expected to perform conscientiously, proficiently, independently all assigned duties. The YCSO serves the public while recognizing the importance placed on law enforcement activities by the public and for tactful, respectful and courteous treatment of all individuals within the jurisdiction.
- YCSO uses grant funding from the FMCSA and ODOT to perform commercial motor vehicle inspections. YCSO employees who conduct inspections per FMCSA and ODO guidelines are certified in Level I, II and Level III inspections, and use these funds to conduct enforcement activities along interstates, highways and high-traffic corridors. The funding is used for enhanced enforcement shifts which allow YCSO deputies to focus on FMCSA safety requirements related to commercial motor vehicles and commercially licensed drivers. These enforcement shifts help to ensure the safety of all road user

SUB-RECIPIENT COMPLIANCE REPORTS

YCSO does not intend to sub-award any portion of FMCSA funding received from the Oregon DOT.

COMMUNITY PARTICIPATION PROCESS

This section is not applicable as YCSO personnel do not conduct motorist licensure/motor vehicle registration activities/services.

Public Notice of YCSO Title VI Plan Rights

YCSO does hereby give 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, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding YCSO's Title VI Plan can contact its Title VI Program Coordinator 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, disability, income level or limited English proficiency 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:

YCSO, Title VI Plan Coordinator
Patricia Rojas, Human Resources Manager
535 NE 5th Street
McMinnville, Oregon 97128
503-434-7308
rojasp@yamhillcounty.gov

Standard Title VI/Non-Discrimination Assurances
(DOT Order No. 1050.2A)

The Yamhill County Sheriff's Office (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 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); and
- 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 the Federal Motor Carrier Safety Administration (FMCSA) intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following Federal Highway Administration 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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the 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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above General Assurance, the Recipient

agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "The Yamhill County Sheriff's Office, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Exhibit 1 and 5 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Exhibit 2 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 Exhibit 3 and Exhibit 4 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.

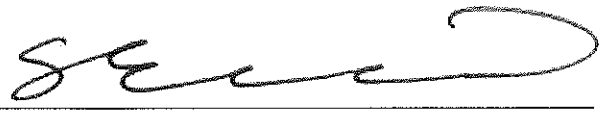
By signing this ASSURANCE, the Yamhill County Sheriff's Office also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the the Federal Motor Carrier Safety Administration access to records, accounts, documents, information, facilities, and staff. It also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the the Federal Motor Carrier Safety Administration. 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 Yamhill County Sheriff's Office gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under its FMCSA. This ASSURANCE is binding on the Yamhill County Sheriff's Office, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Yamhill County Sheriff's Office FMCSA Program.

[signature page follows]

The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

YAMHILL COUNTY SHERIFF'S OFFICE



Signature

Sam Elliott, Sheriff

Printed Name

February 14, 2025

Date

EXHIBIT 1: REQUIRED CONTRACTUAL CLAUSE FOR ALL AGREEMENTS SUBJECT TO THE ACTS AND THE REGULATIONS

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 Exhibit 5, 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.

EXHIBIT 2: CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

- HABENDUM CLAUSE:

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.

- REVERTER 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.

EXHIBIT 3: CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE FMCSA PROGRAM

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 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.

EXHIBIT 4: CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE FMCSA PROGRAM

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, 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:

   a. 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;

   b. 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; and

   c. That the [*grantee, lessee, permittee, etc. as appropriate*] 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.

EXHIBIT 5: REQUIRED CONTRACTUAL CLAUSE FOR ALL AGREEMENTS SUBJECT TO THE ACTS AND THE REGULATIONS

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); and
- 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).