

COUNTY OF NEVADA
TITLE VI IMPLEMENTATION PLAN



DEPARTMENT OF PUBLIC WORKS

ADOPTED December 16, 2025



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Non-Discrimination Policy Statement

The County of Nevada Department of Public Works is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and other non-discriminatory authorities. No person shall be excluded from participation in or be denied the benefits of any program or activity conducted by the County of Nevada Department of Public Works on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by State or Federal law.

This policy applies to all operations of County of Nevada Department of Public Works, including its contractors and anyone who acts on behalf of County of Nevada Department of Public Works. This policy also applies to the operations of any department or agency to which County of Nevada Department of Public Works extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

David A. Garcia, Jr.
Director of Public Works

Date



Non-Discrimination Legislation

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. § 324 *et seq.*), prohibits discrimination on the basis of sex;
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CR Part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. § 6101 *et seq.*), prohibits discrimination on the basis of age);
- **Airport and Airway Improvement Act of 1982**, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- **The Civil Rights Restoration Act of 1987**, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are federally funded or not);
- **Titles II and III of the Americans with Disabilities Act**, which prohibit discrimination of the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- **The Federal Aviation Administration’s Non-discrimination statute** (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- **Executive Order 12898**, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;



- **Executive Order 13166**, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- **Title IX of the Education Amendments of 1972**, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).



Organization Structure

The County of Nevada Department of Public Works Title VI Coordinator, the Director of Public Works, is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

Title VI Coordinator is responsible for:

- Overseeing Title VI program implementation
- Submitting a Title VI plan and annual reports on the agency's behalf
- Developing procedures for the prompt processing and disposition of complaints
- Developing procedures for the collection and analysis of statistical data
- Developing a program to conduct Title VI reviews of program areas
- Developing Title VI information for dissemination
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary

Assistant Title VI Coordinator is responsible for:

- Processing complaints, compiling a complaint log, and reporting to Caltrans
- Conducting annual Title VI assessments of pertinent program areas



Complaint Procedures

County of Nevada Department of Public Works Title VI Complaint Procedures

The County of Nevada Department of Public Works, under Title VI of the Civil Rights Act of 1964, ensures “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Related federal statutes and state law further discrimination protections to include sex, disability, religion, sexual orientation, age, and Limited English Proficiency (LEP). This prohibition applies to all branches of County of Nevada Department of Public Works, its contractors, consultants, and anyone else who acts on behalf of County of Nevada Department of Public Works.

The County of Nevada Department of Public Works will make every effort to ensure nondiscrimination in all of its services, programs, and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin (including LEP).

Any person who believes they have been discriminated against based on race, color, or national origin by the County of Nevada Department of Public Works or a sub-recipient, may file a Title VI complaint by completing and submitting a County of Nevada Department of Public Works Title VI Complaint Form. The Assistant Title VI Coordinator processes complaints received no more than 180 days after the alleged incident. The County of Nevada Department of Public Works will only process complaints that are complete, which include the complainant’s contact information, details of the alleged discrimination, and the complainant’s signature.

Once the Title VI complaint is received, the County of Nevada Department of Public Works will process it by recording it in a complaint log and forward the complaint to Caltrans, to be submitted to the FHWA Division Office.

Title VI Complaints Processed Under the Federal Highway Administration (FHWA)

Per the Federal Highway Administration (FHWA) Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a sub-recipient are to be forwarded to Caltrans to be submitted to the FHWA Division Office. Complaints should be sent within one business day of receipt via email to Title.VI@dot.ca.gov. If the Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against a sub-recipient can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans.

The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.



Caltrans Office of Civil Rights (OCR) Investigation Process

If OCR is delegated the responsibility of performing an investigation, OCR has 90 days to investigate the complaint. If additional time is needed, OCR will call the Complainant and inform them.

If more information is needed to resolve the case, the OCR investigator may contact the Complainant. The Complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the additional information within ten business days, OCR can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

OCR will consult with Headquarters Office of Civil Rights (HCR) regarding the disposition of the complaint. Disposition of Title VI complaint will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the Division Office.

A person may also file a complaint directly with:

Federal Transit Administration

Civil Rights Division

Attention: Complaint Team

East Building, 5th Floor – TCR

1200 New Jersey Avenue, SE

Washington, DC 20590

Federal Highway Administration

U.S. Department of Transportation

Office of Civil Rights

1200 New Jersey Avenue, SE

8th Floor E81-105

Washington, DC 20590



Title VI Outreach and Resources

LIMITED ENGLISH PROFICIENCY

Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak or understand English. The County of Nevada has created a Language Access Plan in order to provide individuals who have LEP with meaningful service.

DISSEMINATION OF TITLE VI INFORMATION

To ensure Title VI and related Civil Rights information is available to the public, the County of Nevada Department of Public works will place public notices consisting of flyers, complaint forms, and "I Speak" cards in the Community Development Agency lobby in the Eric Rood Administrative Building. Public notices will also be available for viewing on the County's website at www.NevadaCountyca.gov/TitleVIPlan.

Data Collection and Analysis

The County of Nevada Department of Public Works will collect demographic data from governmental sources responsible for collecting and vetting the information for consistency and accuracy, including but not limited to the U.S Bureau of Labor Statistics, U.S. Census Bureau, U.S. Bureau of Economic Analysis, California Department of Finance, California Department of Labor, and the California Employment Development Department.

Training

County of Nevada Department of Public Works will provide Title VI and related statute training to Public Works managers, supervisors, and staff that are frequently in contact with members of the public. Training will be required a minimum of every two years and upon hiring of new employees. Training will be conducted online through the County's established training management software program.

Additionally, the Title VI Implementation Plan will be available to all employees to review as needed along with "I Speak Cards" and the complaint forms and log.

Annual Work Plan

County of Nevada Department of Public Works will establish and monitor program goals and accomplishments on an annual basis. The report will review training, signage, public participation and updating community statistics.



Language Access Plan

Background

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” requires that Federal agencies work to ensure that the recipients of Federal financial assistance provide meaningful access to their Limited English Proficiency (LEP) applicants and beneficiaries.

As such, local agencies are required to ensure that federally-funded programs and activities normally provided in English are accessible to LEP Persons. Each local agency shall perform an annual assessment to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons. The assessment which is referred to as a “Four-Factor” analysis is based on the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.
2. The frequency of LEP contacts.
3. The nature and importance of the programs, services, or activities provided by the County of Nevada.
4. The resources available for LEP persons.

The County of Nevada is approximately 66 miles northeast of Sacramento and 84 miles southwest of Reno, Nevada. The County straddles the Sierra Nevada Mountains at the Town of Truckee. Truckee and two additional cities, Grass Valley and Nevada City, comprise the incorporated areas of the County. The incorporated areas of Grass Valley, Nevada City and Truckee are home to 33% of the County’s population. The County’s The remaining 67% of residents live in outlying unincorporated areas.

Of the 98,331* residents who are aged 5 and above (American Community Survey, 2023 ACS 5-Year Estimates Subject Tables) approximately 91.3% of the residents speak only English. Another 8.7% speak a primary language other than English: 5.3% speak Spanish, 1.8% speak other Indo-European language(s), 1% speak Asian Pacific Islander languages, and .6% speak other languages.

Four-Factor Analysis

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered.**



As shown in Table 1 below, Nevada County has approximately 98,331 residents who are age 5 and above (American Community Survey, 2023 ACS 5-Year Estimates Subject Tables, found at [S1601: Language Spoken at Home - Census Bureau Table](#)). Of the 98,331 residents, 91.3% speak only English. Another 8.7% speak a primary language other than English: 5.3% speak Spanish, 1.8% speak other Indo-European language(s), 1% speak Asian Pacific Islander languages, and .6% speak other languages.

Language Spoken	Population	Group's Percentage of Population	Speak English Only or "Very Well"	Speak English Less than "Very Well"
English	89,776	91.3%	100% (89,776 individuals)	0%
Spanish	5,247	5.3%	57.8% (3,033 individuals)	42.2% (2,214 individuals)
Other Indo-European Languages	1,817	1.8%	87.2% (1,584 individuals)	12.8% (233 individuals)
Asian and Pacific Islander Languages	944	1.0%	88.7% (837 individuals)	11.3% (107 individuals)
Other Languages	587	0.6%	78.0% (458 individuals)	22.0% (129 individuals)
TOTAL	98,331	100%	95,668 or 97%	2,683 or 3%

(American Community Survey, 2023 ACS 5-Year Estimates Subject Tables, found at [S1601: Language Spoken at Home - Census Bureau Table](#)).

2. The frequency of LEP contacts.

A survey was completed by the Department of Public Works regarding the frequency of interactions with limited-English proficiency. In general, the number of interactions with Spanish-speaking customers was 0 in 1 year span of time.



Currently the County's Human Resources Department retains a list which lists all County's staff which are certified translators for various languages. If front counter staff that speak either Spanish or another language are not available, County staff will reach out to a certified translator from the list. In addition, the County contracts with 211 Connecting Point which is a local resource and information hub that connects people with programs and services. Translation services can be provided by a staff member or a citizen calling 2-1-1 and requesting a speaker who speaks one of several available languages, including Arabic, Chinese, French, German, Hmong, Italian, Portuguese, Russian, Spanish or Vietnamese.

Public Works staff does not regularly receive requests for translation through federally funded programs/projects, but if translation services are needed, staff will provide said translation in a timely manner.

3. The nature and importance of programs, services, or activities provided by the County of Nevada.

From observation provided by Public Works staff, it is rare that translation services are requested for programs, services, or activities which are federally-funded.

Though Public Works Staff has received very few requests for translation services on federally-funded projects, programs and services, staff are aware that 3% of the County's residents are LEPs and, and that the largest LEP group speaks Spanish. As such, when staff has encountered the need for translation services, staff has been able to provide, or find a County staff person who provides, Spanish speaking ability. Staff also call upon 2-1-1 services for languages other than Spanish.

4. The Resources Available for LEP persons.

After a review of the County's currently available resources for LEP persons, the County has determined that the current available resources are available and consistent for Spanish-speaking clients in terms of on-the-spot translation services, but our Spanish language printed material, which advises clients/citizens of services, needs supplementing.

Action Plan

In order to ensure compliance with Title VI, and Executive Order 13166 the following publications and services will be made available for LEP person use:

- Non-Discrimination Policy Statement



Statement shall be printed in English and Spanish. Said statement will be posted in the County of Nevada County Cafe and Department of Human Resources in visible locations.

- Title VI Rights Poster

Posters shall be printed in English and Spanish. Said posters will be posted in the County of Nevada County Cafe and Department of Human Resources in visible locations.

- Title VI Complaint Form

Complaints related to Title VI funded services and programs may be filed through the www.NevadaCountyca.gov/TitleVIPlan. Complaint forms are available [here](#).

Complaint forms shall be printed in English and Spanish.

- I Speak Cards

I Speak Cards will be produced to easily identify translation services needed for English, and Spanish. Said cards will be placed at all Public Works' public counters and with the other Title VI information.

- Title VI Webpage on County's Website

All of the County's Title VI resources will be posted on the County's website at the following link: www.NevadaCountyca.gov/TitleVIPlan

- Future Planning and Projects

Public Works will ensure that all future projects and planning documents that are federally-funded utilize outreach methods that are compliant with Title VI and other related non-discriminatory assurances.

Additionally, the County will ensure that outreach materials are available in English and Spanish, and that translators are readily available as necessary for any LEP persons that would like to contribute or participate.

Lastly, the Title VI Point of Contact will request an updated list of certified translators from the Human Resources Department every six months, and distribute said list to those who are likely to encounter LEP persons, such that a translator can be contacted the moment one is needed.

To ensure continuous compliance, the County will review the Title VI Implementation Plan and Limited English Proficiency Plan regularly, but at a minimum, as new data from the US Census becomes available. As new regulations are created, the County will act promptly to update the existing plans and relevant resources.

APPENDIX B



Notice to Public

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

County of Nevada Department of Public Works operates its programs and services without regard to race, color, national origin, sex, age, and disability.

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any County of Nevada Department of Public Works program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with County of Nevada Department of Public Works or the California Department of Transportation (Caltrans).

To file a Title VI discrimination complaint please submit a complaint form in person or by mail at the address below:

County of Nevada, Department of Public Works
Attention: Director of Public Works
950 Maidu Avenue, Nevada City, CA 9595

APPENDIX C



Title VI Complaint Form (English)

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." **If you feel you have been discriminated against, please provide the following information in order to assist in processing your complaint.**

SECTION 1 (Please print clearly):

Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____ (Home) _____ (Work)
Accessible format requirements? (Please list) _____

SECTION 2

Are you filing this complaint on your own behalf? ____ (Yes) ____ (No)

If you answered yes to this question, go to Section 3.

If not, please supply the name and relationship of the person for whom you are complaining:

Name: _____ Relationship: _____

Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of the third party. ____ (Yes) ____ (No)

SECTION 3

I believe the discrimination I experienced was based on (check all that applies):

____ Race ____ Color ____ National Origin

Date and Place of Occurrence: _____

Name (s) and Title(s) of the person (s) who I believe discriminated against me:

The action or decision which caused me to believe I was discriminated against is as follows:

(Please include a description of what happened and how your benefits were denied, delayed or affected):



Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

SECTION 4

Have you previously filed a Title VI complaint with this agency? ____ (Yes) ____ (No)

SECTION 5

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?
____ (Yes) ____ (No)

If yes, check all that apply:

Federal Agency ____ Federal Court ____ State Agency ____ State Court ____ Local Agency ____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____ Title: _____ Agency: _____

Address: _____

Telephone Number: _____

You may attach any written materials or other information that you think is relevant to your complaint.

I believe the above information is true and correct to the best of my knowledge.

Signature and date required below:

Signature

Printed Name

Date

Please submit this form in person at the address below or mail this form to:

County of Nevada, Department of Public Works

Attention: Director of Public Works

950 Maidu Avenue, Suite 170 Nevada City, CA 95959



Título VI Formulario de Reclamación (Español)

Título VI de la Ley de Derechos Civiles de 1964, se establece que "ninguna persona en los Estados Unidos será, sobre la causa de su raza, color o origen nacional, excluida de participar en, ni se le negará los beneficios de, o ser objeto de discriminación en cualquier programa o actividad que recibe asistencia financiera Federal." **Si usted siente que ha sido discriminado, por favor proporcione la siguiente información a fin de ayudar en el procesamiento de su reclamación.**

SECCIÓN 1 (Por favor imprima claramente):

Nombre: _____
Dirección: _____
Ciudad, Estado, Código Postal: _____
Número de Teléfono: _____ (Casa) _____ (Trabajo)
Formato accesible requisitos? (Por favor lista) _____

SECCIÓN 2

¿Está presentando esta queja en su propio nombre? ____ (Sí) ____ (No)

Si usted contestó sí a esta pregunta, vaya a la Sección 3.

Si no es así, por favor, proporcione el nombre y la relación de la persona en parte que usted se queja:

Nombre: _____ Relación: _____

Por favor, explique por qué se ha presentado para una tercera parte: _____

Por favor, confirme que ha obtenido el permiso de la parte perjudicada si va a presentar en nombre de la tercera parte. ____ (Sí) ____ (No)

SECCIÓN 3

Creo que la discriminación que he experimentado fue basado en (marque todo lo que aplica):

____ Raza ____ Color ____ Origen Nacional

Fecha y lugar de ocurrencia: _____

Nombre (s) y Título(s) de la(s) persona(s) que creo me discrimino:

La acción o decisión que me causó creer que fui objeto de discriminación es la siguiente:

(Por favor, incluya una descripción de lo que ha sucedido y cómo sus beneficios se les negó, retraso o afecto):



Por favor, enumere todos los nombres de testigos y números de teléfono:

¿Qué tipo de medidas correctivas le gustaría ver?

SECCIÓN 4

¿Anteriormente ha Udsted presentado un Título VI denuncia con esta agencia?

____(Sí) ____ (No)

SECCIÓN 5

¿Ha Usted presentado esta queja con cualquier otro agencia Federal, local o estatal, o con cualquier Tribunal Federal o Estatal? ____ (Sí) ____ (No)

Si la respuesta es sí, marque todo lo que aplique:

Agencia Federal ____ Tribunal Federal ____ Agencia Estatal ____

Tribunal Estatal ____ Agencia Local ____

Por favor proporcione la información acerca de una persona de contacto de la agencia/corte donde se presentó la denuncia.

Nombre: _____ Título: _____ Agencia: _____

Dirección: _____

Número de Teléfono: _____

Usted puede adjuntar cualquier material escrito o otra información que Udsted considere relevante para su reclamación.

Yo creo que la información anterior es verdadera y correcta a lo mejor de mi conocimiento.

Firma y fecha requerida:

Firma

Nombre impreso

Fecha

Por favor envíe este formulario en persona en la dirección indicada o por correo a:

Condado de Nevada, Departamento de Obras Públicas

Atención: Director de Obras Públicas

950 Maidu Avenue, Nevada City, CA 95959

APPENDIX D



Title VI Complaint Log

The Department of Public Works has not received any past, present or pending Title VI Complaints. Below is the list that will be used for tracking complaints:

	Date Filed	Date of Alleged Discriminatory Act	Name of Complainant	Name of Respondent	Basic of Complaint	Nature of Complaint	Date forwarded to Caltrans	Date of Disposition/Comments
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

APPENDIX E



US DOT Title VI Assurances A-E

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 Non-discrimination in federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, age, sex, 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, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitation 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, age, sex, 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 FHWA 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 FHWA, 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 FHWA may determine to be appropriate, including, but not limited to:
 1. withholding payments to the contractor under the contract until the contractor complies; and/or
 2. 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 FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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.



APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the California Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 U.S.C., the regulations for the administration of the preceding statute, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the California Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the California Department of Transportation 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 California Department of Transportation, its successors and assigns.

The California Department of Transportation, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the California Department of Transportation will use the lands and interests in lands and interest in



lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said lands, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)



APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the California Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the California Department of Transportation 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 California Department of Transportation 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 California Department of Transportation and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX D

CLAUSES FOR CONSTRUCTION/USE.ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the California Department of Transportation pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, 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 of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (license, permits, 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 California Department of Transportation will there upon revert to and vest in and become the absolute property of the California Department of Transportation and its assigns.

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including, but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination of the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination



against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).