



Title VI Plan

Federal Fiscal Year 2017

Submitted: September 2016

Oklahoma Department of Transportation

Civil Rights Division

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http://ok.gov/odot/Doing_Business/Civil_Rights/index.html

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services or activities administered by ODOT, its recipients, sub-recipients and contractors.



U.S. Department
of Transportation
**Federal Highway
Administration**

Oklahoma Division

October 17, 2016

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In Reply Refer To:
HDA-OK

J. Michael Patterson
Executive Director
Oklahoma Department of Transportation
200 NE 21st Street
Oklahoma City, OK 73105

Dear Mr. Patterson:

The FHWA Oklahoma Division has reviewed the Oklahoma Department of Transportation Title VI Implementation Plan for FY 2017 and approves the plan for implementation. Our review considered the regulatory requirements, overall program objectives and goal, as well as the analyses of previous year's efforts and accomplishments.

After reviewing this information, we have determined the FY 2017 ODOT Title VI Implementation Plan is consistent with the requirements of 23 CFR part 200 and in accordance with the requirements in 23 CFR 200.9(b)(11) approve its immediate implementation.

The next ODOT Title VI Implementation Plan submission is due to FHWA on October 1, 2018 unless otherwise coordinated. If you have any questions, please contact Steve Duskin at (405) 254-3313.

Sincerely,

Basharat Siddiqi
Division Administrator
FHWA – Oklahoma Division

Cc:
Steve Duskin, FHWA Civil Rights Specialist
Jenny Allen, ODOT Civil Rights Division Manager
file

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I. Program Overview

A. Introduction

The Oklahoma Department of Transportation (ODOT) is a “primary recipient” of federal transportation funds. As a regulatory condition of receiving these funds, the ODOT is required to administer a program that establishes Title VI goals and objectives which pertain to highway and transportation programs. Every member of the ODOT is responsible for implementation and monitoring compliance with the Title VI program. The focal point of nondiscrimination law is the Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. However, the broader application of nondiscrimination law may be found in other statutes, regulations, and executive orders. Discrimination based on sex, disability, and age is prohibited as well as unfair and inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities whether they are federally funded or not.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” signed in February of 1994, requires a federal agency to achieve environmental justice as a part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Federal Highway Administration (FHWA) required the ODOT to carry out environmental justice responsibilities as part of its nondiscrimination program.

The Civil Rights Division is responsible for initiating and monitoring Title VI activities of all the ODOT’s divisions, all program areas, and oversight of sub-recipients. Sub-recipients include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds from the ODOT.

Title VI regulations differ from Title VII regulations in that Title VI is for the protection of the public in regard to the ODOT’s activities and effects. Title VII, on the other hand, is specific regulations to protect the ODOT’s employees. The ODOT is required to protect the public interest by developing a plan for their benefit. In addition, the Title VI plan indicates what the ODOT will do to prevent discrimination, how it will do it, and the steps it will take to monitor Title VI.

Title VI assurances are the foundation of our commitment to nondiscrimination. The ODOT addresses potential Title VI issues through the monitoring of its compliance with the principles specifically set forth in the law. The ODOT also acknowledges its responsibilities to work toward increased effectiveness regarding Title VI compliance.

B. Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. The Federal-aid Highway Act of 1973 (23 U.S.C. 324) added sex as a protected status in all Federal Highway Administration activities. Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added Section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds. The ODOT Title VI Plan applies to the transportation program with funds received from FHWA and Federal Motor Carrier Safety Administration (FMCSA).

The Oklahoma Department of Transportation (ODOT) is a state governmental entity. It is the policy of the ODOT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

The ODOT Title VI Coordinator is granted the authority to administer and monitor the Title VI and Nondiscrimination Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation. The Title VI Coordinator will provide assistance as needed.

The ODOT will take all steps to ensure that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

The ODOT delegates Title VI responsibilities to the managers and charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs.

The ODOT recognizes the need for continuous Title VI training for the ODOT personnel. Anyone who believes that he or she has been discriminated against should contact the ODOT Title VI Coordinator at 405-521-3379 or 405-521-3186 in Oklahoma City.



J. Michael Patterson, Executive Director
Oklahoma Department of Transportation

10/3/16

Date

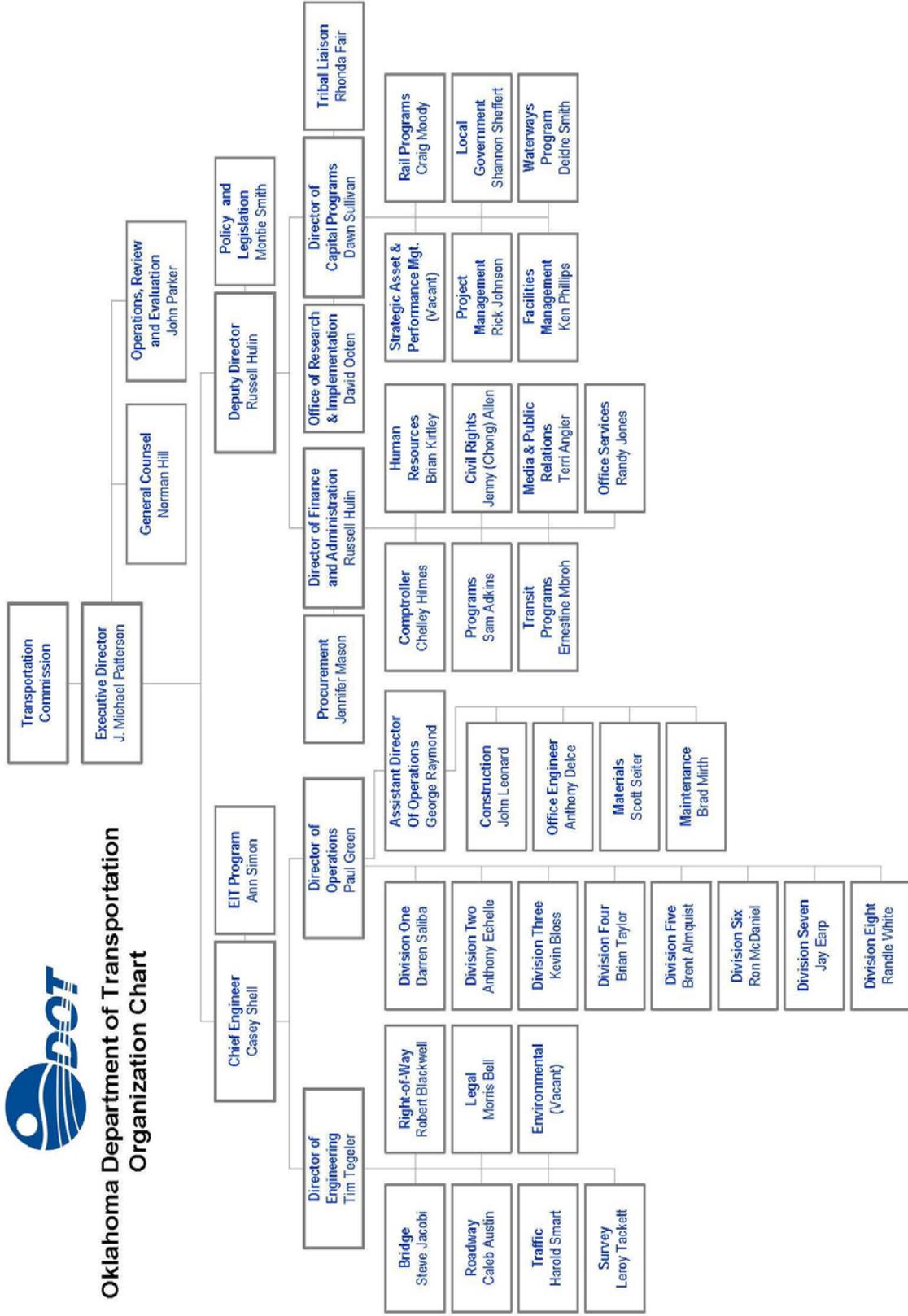
C. Authorities

The applicable authorities related to Title VI are:

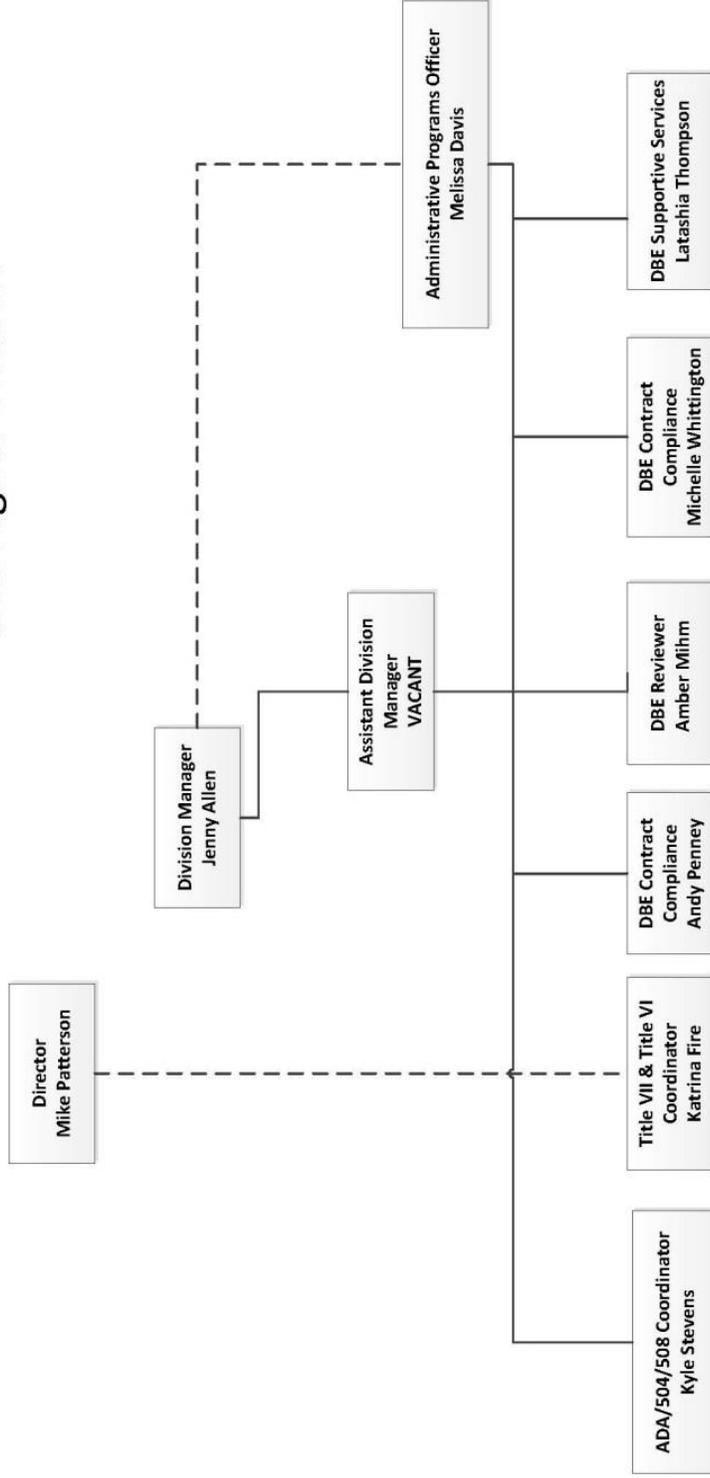
- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency).



Oklahoma Department of Transportation Organization Chart



Oklahoma Department of Transportation Civil Rights Division



II. Organization and Compliance Responsibilities

A. Executive Director

The Oklahoma Department of Transportation's (ODOT) Executive Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that Nondiscrimination is required in all the ODOT programs and services. The Executive Director provides leadership, guidance, direction, and support for the ODOT's Title VI Program. Pursuant to 23 CFR 200.9 (b) (1), the Executive Director has established an adequately staffed Civil Rights Division to fulfill the Title VI statutory and regulatory requirements.

B. Title VI Coordinator

The ODOT Civil Rights Division Manager has appointed a Civil Rights Division employee as the ODOT Title VI Coordinator and has assigned that employee the responsibility of the Title VI and Nondiscrimination Plan. The Title VI Coordinator is a staff position with direct access to the ODOT Executive Director. The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the ODOT's compliance with Title VI regulations. The Title VI Coordinator's responsibilities include:

- Develop and coordinate the implementation of the ODOT's Title VI and Nondiscrimination Program.
- Process, investigate, and resolve all Title VI complaints in accordance with the Title VI complaint procedure and time limitation.
- Coordinate the Title VI and Nondiscrimination Program with all the ODOT Divisions and other program area managers or designees, including sub-recipients.
- Assist appropriate program area officials in devising and implementing any monitoring activities deemed necessary for contractors, consultants, suppliers, vendors, lessors, universities, colleges, planning agencies, cities, counties, and other sub-recipients of all the ODOT's programs and various offices.
- Review the ODOT's central office field divisions, and sub-recipients procedures and guides as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Coordinator will coordinate with the appropriate program area official for revisions.
- Prepare annual reports to FHWA of Title VI accomplishments for the year and goals for the next year. Resolve any deficiencies which may be discovered in the ODOT's Title VI and Nondiscrimination Program.
- Collect statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of any recipient of the ODOT.
- Review the ODOT program directives in coordination with the ODOT program officials and, where applicable, include Title VI and related requirements.
- Develop Title VI information for dissemination to the public, where appropriate.

- Monitor the ODOT procedures and programs for compliance with Title VI requirements in all program areas.
- Identify and implement procedures to potentially improve the Title VI program.
- Conduct Title VI training programs and provide technical assistance and advice on Title VI matters to the ODOT program area officials and managers or designees.
- In accordance with 23 CFR 200.9 (a) (4) and together with program area officials, conduct regular reviews of selected program areas to determine the effectiveness of program area activities at those levels.

C. Managers and Supervisors

- Work closely with the ODOT Title VI Coordinator to develop and implement policies and procedures to monitor and ensure Title VI compliance in all of ODOT's programs and activities.
- Responsible for appointing a Title VI designee within their area and supporting their involvement in the program.
- Include a Title VI clause in all contracts or information distributed or advertised to the public.
- Attend training conducted by the Title VI Coordinator.

D. Title VI Designees

- Communicate and coordinate with the Title VI Coordinator all program area Title VI issues or concerns in a timely manner.
- Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with federal Title VI regulations.
- Provide and prepare data, information, and reports as requested by the Title VI Division.
- Maintain knowledge of and adhere to the ODOT's Title VI and Nondiscrimination Program.
- Attend training conducted by the Title VI Coordinator.

III. Program Area Monitoring and Review

A. General

It is the responsibility of all the Oklahoma Department of Transportation (ODOT) management, including the Executive Director, Deputy Director, Division Managers, Division Engineers, and program area managers or designees to promote compliance with Title VI of the Civil Rights Act of 1964. Compliance will be monitored through proactive oversight, reports to the ODOT Title VI Coordinator and/or compliance reviews. Compliance reviews are conducted according to 23 CFR 200.9(b)(5) and (14) for internal

reviews, and 23 CFR 200.9(b)(7), (13), and (14) for external reviews. If deficiencies are found during a compliance review, they will be pointed out to the appropriate Title VI program area manager or designee, and recommendations for corrective action within 90 days will be established. The ODOT program or sub-recipients have three alternatives for **Corrective Action (23 CFR 200.11)**:

1. Resolution of the noncompliance (or potential noncompliance) “by voluntary means” by entering into an agreement with the applicant, which becomes a condition of the assistance agreement; or
2. Where voluntary compliance efforts are unsuccessful, a refusal to grant or continue the assistance; or
3. Where voluntary compliance efforts are unsuccessful, referral of the violation to the FHWA for judicial action. A follow-up review will be made to ensure that deficiencies are being corrected. All findings, recommendations, and progress made in implementing corrective action will be reported to the Civil Rights Division. Each of the following areas in each division will be monitored by the Title VI program area manager or designee for compliance with Title VI requirements (areas and offices specified are not all inclusive):
 - a. All advertisements.
 - b. Bid proposals, requests, and evaluations.
 - c. Contracts and subcontracts.
 - d. Title VI reports, issues, and complaints.
 - e. Public meetings and internal meetings relating to Title VI will be documented and reports forwarded to the Civil Rights Division.
 - f. Title VI contract provisions and other legal documents.

B. Planning and Research Activities

I. Planning Activities

The Strategic Asset and Performance Management Division has a primary responsibility for assuring that the results of a variety of rural and urban planning are executed in accordance with Title VI requirements. This process entails deliberation of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid the unintended creation of inappropriate and biased programs. The Title VI Coordinator will regularly review the Title VI activities for Planning.

II. Research Activities

The Office of Research and Implementation Division has a primary responsibility for assuring that all aspects of transportation-related research projects are executed in accordance with Title VI. The Office of Research and Implementation Division works to improve the effectiveness and efficiency of the planning, design, construction, operation, and maintenance for the public need for safe, accountable, flexible, efficient, economical,

convenient, and environmentally compatible transportation services. The Title VI Coordinator will regularly review the Title VI activities for Research.

III. Public Involvement

The ODOT has a primary responsibility for assuring that all public participation activities include consideration of Title VI and Environmental Justice (EJ) requirements. The ODOT adheres to the philosophy of affording all individuals an equal opportunity to participate in each transportation program or activity. Consistent with this philosophy, emphasis is directed towards equal representation of all groups at meetings where transportation needs and developments emerge. Public Involvement deals with, in particular, minorities, persons with disabilities, and other traditionally underserved groups in various ODOT activities including but not limited to pre-construction meetings, highway system changes, environmental studies, and so forth. The purpose of the Public involvement process is to provide information to the public to receive comments, questions, and ideas. The Public Participation Plan is available at: <http://ok.gov/odot/Programs and Projects/Public Meetings and Hearings/index.html> on the ODOT's website. A paper copy may also be obtained by contacting the ODOT. The Title VI Coordinator will regularly review the Title VI activities for the ODOT's Public Involvement process.

IV. Sub-Recipients

The Oklahoma Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 4-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The ODOT Title VI Coordinator assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs in the State of Oklahoma:

- Oklahoma City Area Regional Transportation Study (OCARTS)
- Tulsa Metropolitan Area Transportation Study
- Lawton Metropolitan Area Transportation
- Ft. Smith Transportation Study

Concurrent with submittal of the entire proposed TIP to the FHWA as part of the Statewide Transportation Improvement Program (STIP), the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements.

The FHWA and FTA shall review and evaluate the planning process for each MPO designated as a Transportation Management Area (TMA) no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and the regulations. Currently, two Oklahoma MPOs are designated as a TMA:

- Oklahoma City Area Regional Transportation Study (OCARTS), and
- Tulsa Metropolitan Area Transportation Study

The Oklahoma City Area Regional Transportation Study (OCARTS) four-year certification review was completed in FFY 2013 and the Tulsa Metropolitan Area Transportation Study was completed in FFY 2014. Other sub-recipients in the State of Oklahoma include the following:

- Oklahoma Transportation Center (OTC): The OTC is a multidisciplinary coalition of Oklahoma State University (OSU), the University of Oklahoma (OU), and Langston University (LU). It serves as a resource for solving critical transportation problems in the State and our nation in a cooperative manner. Founded in 2001, the OTC has over 30 "founding partners" including the Oklahoma Department of Transportation (ODOT), Oklahoma Turnpike Authority (OTA), private companies and associations representing all transportation modes. The OTC is designated as one of ten National University Transportation Centers.
- Local Technical Assistance Program (LTAP): The Local Technical Assistance Program at Oklahoma State University is one of 58 LTAP Centers located throughout the United States that provide training and technical assistance to government entities that maintain and construct transportation systems at the local level.
- Tribal Technical Assistance Program (TTAP): The Southern Plains Tribal Technical Assistance Program Center at Oklahoma State University (OSU) is a training and technology transfer resource for Native American tribes in the United States. The program is funded by FHWA and the Bureau of Indian Affairs (BIA). The goals of TTAP are accomplished through technology transfer and training, research, and cultural consideration. The TTAP Center at OSU was renamed "The Southern Plains TTAP Center" in August, 2012.
- State Transportation Innovation Council (STIC): The State Transportation Innovation Council for the state of Oklahoma was established to facilitate the rapid implementation of technology, tactics and techniques among transportation program delivery professionals at all levels of government and throughout the private and non-profit sector to ensure smart, efficient investment in Oklahoma's highway infrastructure. The STIC will include multiple subject matter experts and other advisory members.
- National Summer Transportation Institute (NSTI): The NSTI program consists of a two-week residential or non-residential summer program to acquaint 9th through

12th grade students with career opportunities in the transportation industry, sponsored by the Federal Highway Administration. The host site is an accredited university that has submitted a proposal and then been selected by a panel of individuals reviewing all proposals based on the criteria for the program.

Compliance reviews of sub-recipients will be conducted on a regular basis by the ODOT Title VI Coordinator. The Title VI Coordinator conducts on-site reviews with each MPO and sub-recipient regularly. Additionally each TMA is reviewed regularly and in conjunction with their 4-year certification review (23 CFR 450.334(b)). The information listed below is obtained regularly from each MPO and sub-recipient as applicable and is reviewed for compliance with Title VI.

- Strategies used to ensure that all components of the transportation planning and research process comply with Title VI;
- Whether the sub-recipient has developed a demographic profile of its planning or research area that includes identification of minority and low-income populations as applicable;
- Whether the sub-recipient has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure the sub-recipient has established for using issues/concerns raised by minority and low-income populations as well as other affected individuals and groups in the decision-making process;
- Number of consultant agreements awarded and the dollar amount;
 - Number of female and minority firms and the dollar amount
- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held;
 - The percentage of female and minority participation at the hearings;
- Number of consultant agreements awarded and the dollar amount;
- Number of public information meetings/open houses held;

- Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning or research process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the sub-recipient internal complaint procedures and policies;
- Status of any Title VI complaints received regarding any of the transportation planning, public involvement, or selection processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

C. Project Development

I. Environmental

The Environmental Division has the responsibility for assuring that the National Environmental Policy Act (NEPA) requirements are executed in accordance with Title VI requirements. The Environmental Division is responsible for integrating environmental considerations and regulatory requirements into ODOT's transportation programs and operations; providing a broad range of technical expertise in the natural and human environment; providing environmental (NEPA) documents and permits for ODOT projects and activities; and liaise with regulatory agencies to streamline the environmental review and permit process.

The Environmental Division is also responsible for assuring that the determination of environmental effects and any resulting impacts and measures are executed in accordance with Title VI requirements. A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic aspects. The Environmental Division is also responsible for providing environmental documentation and permits for ODOT projects and activities, assisting in compliance with environmental rules and regulations, and providing technical expertise in the natural and human environment.

The Title VI Coordinator will regularly review the Title VI activities of the Environmental Division. This will include reviewing all Environmental Assessments (EAs) and Environmental Impact Statements (EISs). The National Environmental Policy Act (NEPA) documents will be reviewed in conjunction with FHWA. The ODOT and FHWA review and approve all Categorical Exclusions (CEs). The Title VI Coordinator will also review all CEs for any Title VI impact. The Title VI Coordinator will regularly attend public meetings to gather first-hand knowledge of how the Public Involvement (PI) process is carried out.

D. Right-of-Way

The Right-of-Way (ROW) Division has a primary responsibility for assuring that property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses are executed in accordance with Title VI requirements. The ROW Division is separated into the following branches: Mapping, Appraisal, Acquisition, Relocation, Project Management, Utilities, and Outdoor Advertising. The contracts for the Right-of-Way Division are administered by Contract Administrators in the Purchasing Branch. The Title VI Coordinator will regularly review the Title VI activities of the Right-of-Way (ROW) Division.

E. Construction

The Construction Division/Field Divisions have a primary responsibility for assuring that ODOT construction projects are accomplished in accordance with Title VI. The Office Engineer Division has a primary responsibility for assuring that the process to prequalify contractors is accomplished in accordance with Title VI. The Title VI Coordinator will regularly review the Title VI activities related to Construction.

E. Facilities Management Division

The Facilities Management Division is responsible for executing Joint Use Agreements with municipalities and ensuring that all Federal requirements are met for the agreement. The Civil Rights Division is notified after the contract is executed for a review and assurance that all Title VI requirements have been met by the municipality contracting with the ODOT. The Title VI Coordinator will review all Joint Use Agreements to ensure that all Title VI requirements are met. The Facilities Management Division is responsible for negotiating the contract with the recipient. Once the contract is executed it is turned over to the Civil Rights Division, Title VI Coordinator, for review. The review will be conducted jointly with the recipient and the recipient notified of any corrections needed. The following items will be considered in the review:

- Title VI Coordinator is designated by the municipality and the information published on the municipality's website;
- Title VI Complaint Process and Complaint Form are available to the public and provided on the municipality's website;
- Non-discrimination statement is available to the public and provided on the municipality's website;
- The municipality has a Limited English Proficiency (LEP) plan in place to address any LEP issues for the project;
- The municipality has an Environmental Justice (EJ) plan in place to address any potential disparate impact of the project to protected individuals or groups.

IV. Discrimination and Complaint Procedures

A. Overview

The ODOT is responsible for investigating all Title VI discrimination complaints occurring within the federal-aid highway program or its activities, unless the complaint filed is against the ODOT. Complaints naming the ODOT as a respondent shall be forwarded to the FHWA and FHWA will forward the complaint to FHWA Headquarters in Washington, D.C. for processing and potential investigation. If ODOT receives a complaint against one of its sub-recipients, then ODOT can investigate it and send the report to FHWA for a potential Letter of Finding. The procedures that the Civil Rights Division will use to investigate such complaints are included in the ODOT's Title VI plan. All state level Title VI complaints are to be completed within sixty (60) calendar days of the acceptance of the formal complaint.

All findings from state investigations are preliminary and subject to the concurrence of the FHWA's Office of Civil Rights. The FHWA's Office of Civil Rights will render final decisions in all cases. There are no administrative appeal forums for the Title VI complaints process.

Complaints may be filed by any person who believes that they have been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ODOT service, program, or activity whether Federally funded or not, and believes the discrimination is based on race, color, or national origin.

All allegations, regardless of where they are reported, shall be immediately forwarded to the ODOT Title VI Coordinator. In addition, these complaint processing requirements are passed down to sub-recipients and are reviewed for compliance during on-site reviews with those sub-recipients. ODOT has published these procedures for public view at: http://www.ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html.

The scope of Title VI covers all external activities at the ODOT. Adverse impacts resulting in the Title VI complaint can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with the ODOT for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.; or the allocation of Federal Transit Administration funding. Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

B. Complaint Procedure

The ODOT uses the following, detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field divisions having responsibilities under the Title VI and the related nondiscrimination statutes. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Civil Rights Division. A complaint may also be filed by a representative on behalf of such a person.
2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:
 - a. The date of the alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discovered.
 - c. The deadline for a complaint can be extended as outlined here: <http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm> and according to 49 CFR 21.11 and 27.123.
3. Complaints shall be filed using the ODOT's Title VI Complaint Form (available on ODOT's website at the following location: https://ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html) or by contacting the Civil Rights Division. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:
Oklahoma Department of Transportation
Civil Rights Division
200 N.E. 21st Street, Room 1-C1
Oklahoma City, OK 73105-3204

4. Upon receipt of the signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.
5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. The ODOT will not proceed with or continue a complaint investigation if:
 - a. The complaint is, on its face, without merit
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation and the complainant is advised of other avenues of redress available, such as the FHWA and the Department of Transportation. The notification letter contains
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which the ODOT has jurisdiction.
 - c. A brief statement of the ODOT's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.
7. The Title VI Coordinator also notifies the FHWA's Division Office within ten (10) calendar days of receipt of the allegations. Generally, the following information will be included in every notification to the Office of Civil Rights:
 - a. Name, address, and phone number of the complainant.
 - b. Email address if available.
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability).
 - d. Date of the alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or Federal) where the complaint has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the FHWA's Division Office.

9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, disability, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
10. Within ninety (90) calendar days of receipt of the complaint, the complainant receives a letter from the ODOT Executive Director detailing the findings, conclusions, and any corrective action taken. All issues in the complaint are addressed.
11. The Title VI Coordinator forwards the final report to the FHWA's Division Office. Included with the reports is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition and the date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the FHWA at this stage and the report shall follow upon completion.
12. If the complaint cannot be resolved by the ODOT to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. Letters of Findings from FHWA are not administratively appealable. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended (as outlined here: <http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm> and according to 49 CFR 21.11 and 27.123) by the Secretary to:

**U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590**

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with the Oklahoma Department of Transportation.

V. Accomplishments & Annual Work Plan

The Oklahoma Department of Transportation's accomplishments will be reported annually to the Federal Highway Administration in a separate document.

VI. Title VI Training

The Title VI Coordinator will regularly update the list of Title VI Designees for each central office division and field division with the Oklahoma Department of Transportation (ODOT). All ODOT designees will be provided training regularly to stay current with the Regulations and for new designees to be sufficiently educated to help monitor their program areas.

The ODOT Sub-Recipients will be reviewed regularly to ensure their compliance with Title VI Requirements. During the review any training needs will be addressed at that time by the Title VI Coordinator.

VII. Limited English Proficiency (LEP)

The ODOT has determined that certain documents are critical to doing business with ODOT. An analysis of the population (done by ODOT field divisions) determined certain LEP populations were sizable enough to require translation of critical documents to be made available to the public. This is so that those LEP individuals will be able to understand their rights with regards to any interactions with the ODOT. The LEP document and the Title VI brochures in 4 languages can be found on the website at:

[https://ok.gov/odot/Doing_Business/Civil_Rights/Civil_Rights -
_Publications, Posters and Brochures.html](https://ok.gov/odot/Doing_Business/Civil_Rights/Civil_Rights_-_Publications,_Posters_and_Brochures.html) under the Title VI section of the page.

VIII. Environmental Justice (EJ)

Environmental Justice is monitored in a number of ways. The Right-of-Way division has consultants that go out and interview property owners. Those consultants are provided demographic forms to provide to the interviewee and they have the option to fill out the form and send it to the Title VI Coordinator so the Title VI Coordinator can track the interactions for any possible EJ impact. The Title VI Coordinator will be involved in public meetings to ensure there is no disparate impact to protected populations. The Title VI Coordinator will work with the Environmental Division to review all Environmental Assessments (EAs) and Environmental Impact Statements (EISs) to ensure there is no disparate impact to protected populations.

IX. Oklahoma Department of Transportation (ODOT) Directives

All ODOT directives will be reviewed by the Title VI Coordinator for possible Title VI implications. It is critical that directives do not create any disparate impact on protected populations.

Appendix A

Definition of Terms

Affirmative Action: A good faith effort to eliminate past and present discrimination which ensures that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.

Beneficiary: An individual and/or entity that directly or indirectly receive an advantage through the operation of a Federal program; however, they do not enter into any formal contract or agreement with the Federal government where compliance with Title VI is a condition of receiving such assistance.

Bidding: is an offer (often competitive) of seeing a price one is willing to pay for something. A price offer is called a bid.

Civil Rights: are a class of rights and freedoms that protect individuals from unwarranted action by government and private organizations and individuals and ensure one's ability to participate in the civil and political life of the state without discrimination or repression.

Contract: an agreement between two or more parties for the doing or not doing of something specified; enforceable by law.

Contractor: a person who contracts to furnish supplies or perform work at a certain price or rate.

Compliance: the act of adhering to, and demonstrating adherence to, a standard or regulation.

Consultants: a person who gives professional or expert advice.

Disadvantaged Business Enterprise (DBE): means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Discrimination: the treatment taken toward or against a person of a certain group in consideration based solely on class or category.

Disparate Impact: Discrimination which occurs because of a neutral procedure or practice, and such practice lacks a “substantial legitimate justification.” The focus is on the consequences of a recipient’s practices rather than the recipient’s intent.

Environmental Justice (EJ) (Executive Order 12898): Defined by the U.S. Environmental Protection Agency (EPA) as, "The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies."

Federal Highway Administration (FHWA): The FHWA is an agency within the U.S. Department of Transportation that supports State and local governments in the design, construction, and maintenance of the Nation’s highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program). Through financial and technical assistance to State and local governments, the FHWA is responsible for ensuring that America’s roads and highways continue to be among the safest and most technologically sound in the world.

Federal Transit Administration (FTA): an agency within the United States Department of Transportation (DOT) that provides financial and technical assistance to local public transit systems.

Fee Appraisal: A valuation of property by the estimate of an authorized person.

Historically Black Colleges and Universities (HBCU): Institutions of higher education in the United States that were established before 1964 with the intention of serving the black community.

National Summer Transportation Institute (NSTI): The NSTI program consists of a two-week residential or non-residential summer program to acquaint 9th through 12th grade students with career opportunities in the transportation industry, sponsored by the Federal Highway Administration. The host site is an accredited university that has submitted a proposal and then been selected by a panel of individuals reviewing all proposals based on the criteria for the program.

Lessor: A person who rents land or property to a lessee.

Limited English Proficiency (LEP) (Executive Order 13166): On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

Local Technical Assistance Program (LTAP): The Local Technical Assistance Program at Oklahoma State University is one of 58 LTAP Centers located throughout the United States that provide training and technical assistance to government entities that maintain and construct transportation systems at the local level.

Metropolitan Planning Organization (MPO): a federally-mandated and federally-funded transportation policy-making organization in the United States that is made up of representatives from local government and governmental transportation authorities.

Minority: A person who is a citizen or lawful permanent resident of the United States and who is:

- Black-a person having origins in any of the black racial groups of Africa;
- Hispanic-a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian or Pacific Islander-a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands;
- American Indian or Alaskan Native-a person having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition;
- White-a female having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional basis

National Environmental Policy Act (NEPA): is a United States environmental law that established a U.S. national policy promoting the enhancement of the environment and also established the President's Council on Environmental Quality (CEQ).

Oklahoma City Area Regional Transportation Study (OCARTS): encompasses all of Oklahoma and Cleveland counties and portions of Canadian, Grady, Logan and McClain

counties and identifies regional transportation needs in an efficient and cost-effective manner.

Oklahoma Transportation Center (OTC): The OTC is a multi-disciplinary coalition of Oklahoma State University (OSU), the University of Oklahoma (OU), and Langston University (LU). It serves as a resource for solving critical transportation problems in the State and our nation in a cooperative manner. Founded in 2001, the OTC has over 30 "founding partners" including the Oklahoma Department of Transportation (ODOT), Oklahoma Turnpike Authority (OTA), private companies and associations representing all transportation modes. The OTC is designated as one of ten National University Transportation Centers.

Prequalification/Qualification: a circumstance or condition required.

Proposal: the act of offering or suggesting something for acceptance, adoption, or performance.

Recipient: An individual and/or entity that received Federal financial assistance and operates a program and/or activity.

Small Business Administration: A United States government agency that provides support to small businesses.

Socially and Economically Disadvantaged Individual: Means any individual who is a citizen (or lawfully admitted permanent resident) of the United States that a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis according to Appendix E of 49 Code of Federal Regulations (CFR) Part 26; any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, Women, and any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

State Planning & Research (SPR) funds: States may use SPR funds for planning and research. The use of the funds by States and sub-recipients is authorized by Title 23, U.S. Code, Section 505, and regulated by Title 23, Code of Federal Regulations (CFR), Part 420. State departments of transportation (DOT) are responsible for monitoring activities performed by staff of sub-recipients that use SPR funds. The process that State DOTs use to manage their research programs varies considerably. Procedures vary from State to State for developing the plan and selecting the projects. Most States work with universities and other stakeholders.

Statewide Transportation Improvement Program (STIP): A three year program that includes ODOT's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Oklahoma.

Sub-recipient: A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Sub-recipients include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds from the ODOT.

Transportation Improvement Program (TIP): A three-year program prepared by a Metropolitan Planning Organization.

Unified Planning Work Program (UPWP): A description of the proposed multimodal transportation planning activities to be conducted in the Oklahoma City Area Regional Transportation Study area. The UPWP is prepared annually and serves as a basis for requesting federal planning funds from the U.S. Department of Transportation, as well as, a management tool for scheduling, budgeting and monitoring the planning activities of the participating entities.

University: an institution of learning of the highest level, having a college of liberal arts and a program of graduate studies together with several professional schools, as of theology, law, medicine, and engineering, and authorized to confer both undergraduate and graduate degrees. Continental European universities usually have only graduate or professional schools.

U.S. Department of Transportation: The U.S. Department of Transportation (USDOT) was established by an act of Congress on October 15, 1966. The Department's first official day of operation was April 1, 1967. The USDOT is administered by the United States Secretary of Transportation. The top priorities at USDOT are to keep the traveling public safe and secure, increase their mobility, and have our transportation system contribute to the nation's economic growth.

Vendor: A person or agency that sells goods or services.

Federal Highway Administration (FHWA)
Title VI/Non-Discrimination Assurances



The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

The Oklahoma Department of Transportation (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 Highway 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);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 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.

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 Federal Highway Administration".

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 Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Statewide Transportation 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 all Statewide Transportation Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Oklahoma Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, 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 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 Oklahoma Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration 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 Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, 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 Oklahoma Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Statewide Transportation Program. This ASSURANCE is binding on Oklahoma, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Statewide Transportation Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Oklahoma Department of Transportation
(Name of Recipient)

by  _____
J. Michael Patterson, Executive Director

DATED 10/2/16 _____

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, or national origin 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. **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, or national origin.
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 Federal Highway Administration 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 Federal Highway Administration, 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 Federal Highway Administration 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 Federal Highway Administration 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.

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 Oklahoma Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Public Law 114-94 – Fixing America’s Surface Transportation (FAST) Act, the Regulations for the Administration of The Statewide Transportation Program, and the policies and procedures prescribed by the Federal Highway Administration 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 Oklahoma 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 Oklahoma 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 Oklahoma Department of Transportation, its successors and assigns.

The Oklahoma Department of Transportation, 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, 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 Oklahoma Department of Transportation 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, 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 land, 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 Oklahoma 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, Oklahoma 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 Oklahoma 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 Oklahoma 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 Oklahoma 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 furnishing of services thereon, no person on the ground of race, color, or national origin, 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, Oklahoma Department of Transportation 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, Oklahoma Department of Transportation will there upon revert to and vest in and become the absolute property of Oklahoma 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 CFR 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 USC § 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 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 Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**Federal Motor Carrier Safety Administration (FMCSA)
Title VI/Non-Discrimination Assurances**



The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

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

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 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 the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Oklahoma Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract

entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

The Oklahoma Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on Oklahoma Department of Transportation, 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.

Oklahoma Department of Transportation

(Name of Recipient)

by


J. Michael Patterson, Executive Director

DATED

10/3/19

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Oklahoma Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with FAST Act, 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 Oklahoma Department of Transportation 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 Oklahoma 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 Oklahoma Department of Transportation, its successors and assigns.

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

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

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

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Oklahoma 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 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, Oklahoma 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 Oklahoma 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 Oklahoma 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 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 Oklahoma 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, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Oklahoma Department of Transportation 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, Oklahoma Department of Transportation will there upon revert to and vest in and become the absolute property of Oklahoma 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 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 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (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. § 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, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR 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 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“...*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*