CITY OF SAN JOAQUIN

TITLE VI IMPLEMENTATION PLAN

Adopted TBD

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Non-Discrimination Policy Statement

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

Further, no person shall be subjected to discrimination under any program or activity conducted by the City of San Joaquin, on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by State or Federal law.

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

Elizabeth Cabrera
City Manager, City of San Joaquin

March 31, 2025
Date

Non-Discriminatory Legislation

Title VI of the Civil Rights Act of 1964 – Provides 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 subjected to discrimination, under any program or activity receiving Federal financial assistance (as implemented through 23 CFR 200.9 and 49 CFR 21).

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) – Prohibits discrimination on the basis of sex by recipients and sub-recipients of Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of disability by recipients and sub-recipients of Federal financial assistance.

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) – Prohibits discrimination on the basis of age by recipients and sub-recipients or Federal financial assistance.

The Civil Rights Restoration Act of 1987 (Public Law 200-209) – Clarifies that the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973 was to apply the non-discrimination statutes to all programs and activities of Federal-aid recipients, sub-recipients, contractors and vendors, whether all such programs are federally assisted or not.

Executive Order 12898 (issued February 11, 1994) – Addresses Environmental Justice regarding minority and low-income populations and requires agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

Executive Order 13166 (issued August 16, 2000) – Addresses improved access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided consistent with, and without unduly burdening, the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to program, services and information to their LEP applicants and beneficiaries free of charge.

Organization Structure

The City of San Joaquin's ("City") Title VI program is a multi-tiered program in which multiple roles work toward the ultimate goal of assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes. The City has assigned the roles of Title VI Coordinator:

Title VI Coordinator

- Ensures that City's Title VI program up-to-date with all requirements set forth by the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), and any other applicable jurisdictions.
- Maintains open line of communication with City Manager, City Council, and other City leadership positions as necessary to facilitate the Title VI Program requirements in a timely manner.
- Directs staff to coordinate and attend trainings, prepare required reports, create and distribute Title VI information for the public, and manage complaints per the Program's direction.
- Prepares and coordinates Title VI Plan and Annual Report submission.
- Develops Title VI information for dissemination to public.
- Ensures that Title VI Assurances have been incorporated into all Federal-aid Contracts and Agreements.
- Develops and coordinates Title VI training for managers, supervisors and staff with frequent public contact, on a two-year minimum basis.
- Develops procedures for collection and analysis of statistical data of participants in, and beneficiaries of federally funded roadway projects.
- Analyzes data collected to determine effectiveness of outreach methods to avoid group exclusion, and encourage group participation.
- Develops complaint procedures, complaint log, and ensures that all applicable staff are properly trained in the complaint reporting procedures.

Assistant Title VI Coordinator

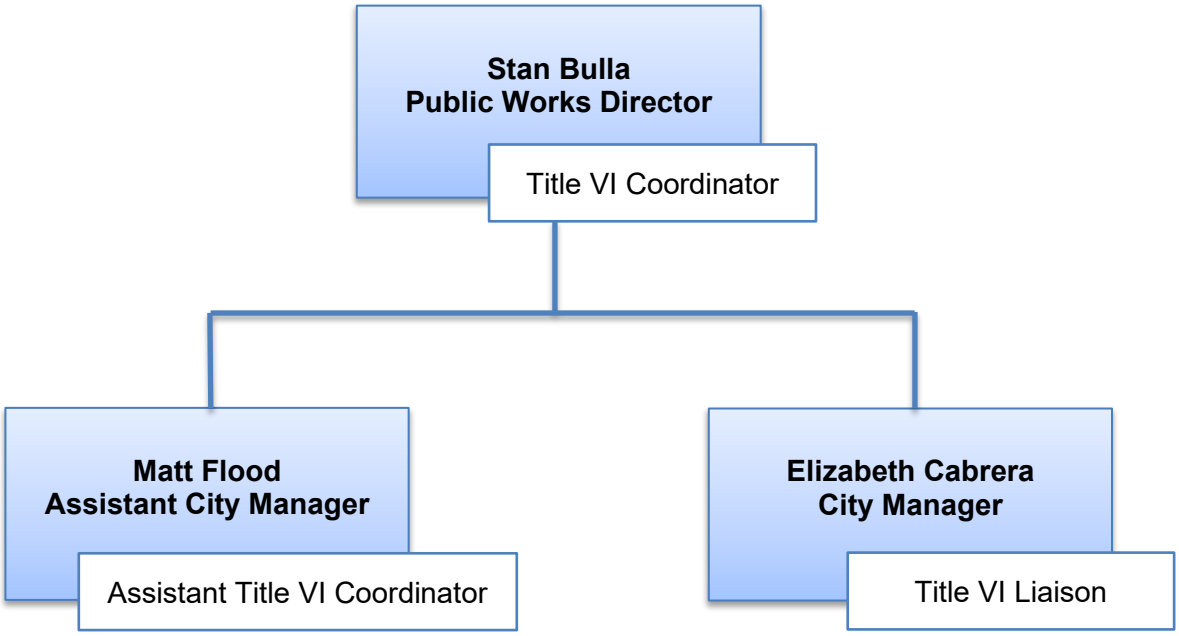
- Assumes role and duties of the Title VI Coordinator when the coordinator is unavailable.
- Works directly with Title VI Coordinator to ensure programs compliance is met.
- Ensures that all applicable staff are present for Title VI training and are following Title VI procedures through work with the public, contractors, and consultants.

Title VI Liaison

- Works directly with contractors, public stakeholders and other relevant parties to ensure that Title VI protections are maintained.
- Attends trainings as to maintain knowledge of current Title VI requirements.

- Reports complaints through compliant procedures listed as part of the City's Title VI Implementation Plan.
- Ensures that required Title VI language is incorporated into Federal-aid contracts and agreements.

Title VI Organization Chart



Complaint Procedure

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

Any person that believes they have been discriminated against on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by State or Federal law by the City of San Joaquin's its contractors, consultants or any other party that acts on behalf of the City of San Joaquin may file a Title VI complaint by completing and submitting the City's Title VI Complaint Form (Appendix C), which can be found displayed in the City Hall lobby, and online at www.cityofsanjoaquin.org.

The City's Title VI Coordinator processes complaints received no more than 180 days after the alleged incident. The Title VI Coordinator will only process complaints that are complete, which include at a minimum, the following:

- Complainant's contact information
- Date of alleged act of discrimination
- Details of the alleged discrimination
- The complainant's signature

Once the Title VI complaint is received, the Title VI Coordinator will forward the complaint to Caltrans, to be submitted to the FHWA Division Office. The Title VI Coordinator will also begin processing the complaint by entering said complaint into the City's Title VI Discrimination Complaint Log and conducting an internal investigation. Once a finding has been determined/received, the City's Title VI Coordinator will provide said finding to the complainant within ten business days via letter and/or email.

Complaints Processed Under the Federal Highway Administration

Title VI complaints filed with Caltrans in which Caltrans is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

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

Caltrans OCR Investigation Process

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

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

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

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

A person may also file a complaint directly with the FHWA and/or Caltrans by the following contact information:

Federal Highway Administration

U.S. Department of Transportation
Office of Civil Rights

1200 New Jersey Avenue, SE
8th Floor E81-104
Washington, DC 20590

California Department of Transportation
Office of Civil Rights

Attention: Title VI Program Branch
1823 14th Street, MS 79

Sacramento, CA 95811
Title.VI@dot.ca.gov

Should a complaint be filed with City of San Joaquin and one with a federal or state agency simultaneously, the federal/state complaint will supersede the City's complaint and the City's complaint procedures will be suspended pending the federal/state agency's findings.

Title VI Outreach and Resources

Table 1: Languages Spoken in City of San Joaquin's Residents

Language Spoken	Group Population	Group's Percentage of Population	Portion of Group that Speaks English Very Well	Portion of Group That Does Not Speak English Very Well
English Only	641	19.3%	X	X
Spanish	2,661	80%	1,258 (47.3%)	1,403 (52.3%)
Other Indo-European Languages	0.00	0%	0.00 (0%)	0.00 (0%)
Asian and Pacific Island Languages	0.00	0%	0.00 (0%)	0.00 (0%)
Other Languages	23	0.7%	23 (100%)	0.00 (0%)
Total Population Above 5 Years	**3,325**	**X**	**1,922 (57.8%)**	**1,403 (42.2%)**

Source: US Census: American Community Survey 2019-20223-Year Estimate

S1601: Language Spoken at Home - Census Bureau Table

Limited English Proficiency

A Limited English Proficiency (LEP) person is a person that does not speak English as a primary language and has a limited ability to read, write, or comprehend English. Per Executive Order 13166, agencies which receive Federal funding must examine their Federally-funded services and develop and implement processes that will allow LEP persons to meaningfully access said services. Executive Order 13166 also requires that agencies receiving Federal funding must establish guidance for providing meaningful access to LEPs, prepare a plan to overcome language barriers in Federally-funded programs and activities, and ensure that stakeholders have adequate opportunity to provide input.

As shown in Table 1 above, 42.2% of residents in the City of San Joaquin are considered LEP persons, with the majority of those LEP persons primarily speaking Spanish (80% of the community). As outlined in the City's LEP Plan (Appendix A), the City has conducted an LEP Needs Assessment, using a Four Factor Analysis to identify need and provide access to the LEP community in compliance with Executive Order 13166.

Title VI Information Dissemination

In order to ensure that Title VI and related Civil Rights information is readily available to the public, the City will develop public notices consisting of posters, flyers, complaint forms and "I Speak" cards that are available in English and Spanish. The languages selected for the informational materials were based upon language data provided from the US Census; see Table 1 above. Said flyers and posters will be placed in the City Hall lobby, in a highly visible and accessible location. The public notices will also be available for viewing on the City's website, at www.cityofsanjoaquin.org.

Environmental Justice

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), City Staff will identify and address the environmental effects of programs, policies, and activities on minority and low-income populations for Federally-funded projects. Staff will consider demographic data during project design and involve the public in the planning and development process to assess the environmental impacts of projects on the community. The public's input and demographic data analysis will enable staff to develop measures to mitigate any potential adverse effects on minority and low-income populations.

Data Collection and Analysis

Demographic and related data collected and used by City staff comes from governmental sources responsible for collecting and vetting the information for consistency and accuracy. These sources include, but are not limited to, the U.S. Bureau of Labor Statics,

U.S. Census Bureau, U.S. Bureau of Economic Analysis, California Department of Finance, California Department of Labor, and the California Employment Development Department.

Additionally, staff may also collect project-specific demographic data utilizing data collection as appropriate through the public outreach process on Federally-funded projects. Such outreach that may give Staff the opportunity to collect demographic data may include door hangers, posters, emails, social media releases, press releases to local newspaper, public meetings, virtual meetings, and public comment through websites generated for projects.

Contract Documents and Agreements

The City's Title VI Coordinator will ensure that any Federally-funded project documents contain the necessary Title VI Assurances and other language. Such assurances include, but may not be limited to:

- FHWA Form 1273 (Title VI and other non-discriminatory requirements)
    - Required on all FHWA contracts and subcontracts valued greater than $10,000
- Title VI Assurances Appendix A-E
    - Appendix A-E to be attached to Federal-Aid contracts

Additionally, City staff will include the provisions indicated in the "Administering Agency-State Agreement for Federal-Aid Projects Master Agreement" in the Local Assistance Program Manual (LAPM) in contracts and agreements, where applicable, between the City and contractors.

The City will continue to utilize the "Local Agency Construction Contract Administration Checklist" (Exhibit 15-A of the LAPM), which confirms that DBE and labor/Equal Employment Opportunity (EEO) compliance requirements are performed and documented in the project files. Exhibit 15-A of the LAPM documents that the local agency will meet all the requirements prior to the award of a construction contract.

Lastly, the City will continue to utilize the "Resident Engineer's Construction Contract Administration Checklist" (Exhibit 15-B of the LAPM) on federal-aid projects. The checklist assists in administering federal-aid highway construction projects and provides a record that the EEO/Wage Rate/False Statements posters are being posted at specific locations that employee interviews will be conducted in accordance with the Labor Compliance/EEO interview form, and that DBE requirements are met. City staff will continue to submit Exhibit 15-B, along with the Award Package shortly after award of the construction contract.

Training

The City of San Joaquin will provide Title VI and related statute training to all employees, managers, supervisors, and staff with frequent public contact in the administration of federal-aid programs. These trainings will occur at minimum every two years, and within six months of hiring a new employee. The trainings will be conducted by the Title VI Coordinator, online through presentations, or through trainings hosted by Caltrans. Additionally, links to Caltrans, FHWA, and other applicable agency resources for Title VI and related statutes will be posted on the City's website at www.cityofsanjoaquin.org.

In particular, the following items will be covered in trainings:

- Review of the City of San Joaquin's Title VI Implementation Plan and other relevant documents
- Language assistance services and "I Speak Cards" offered for public use
- How to handle potential complaints
- Where to seek assistance for Title VI questions and concerns

Annual Work Plan

The City of San Joaquin will annually establish and monitor program goals and accomplishments. The Title VI Coordinator will ensure that employee training is conducted, language translation services continue to be available, public participation is optimal, and appropriate Title VI signage is posted. This also includes updating community statistics and corresponding with state and federal agencies as necessary.

Appendix A

LIMITED ENGLISH PROFICIENCY PLAN

Background

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

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

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

The City of San Joaquin is located in Fresno County and is located 11 miles southwest of Kerman, and has a population of approximately 3,325 (US Census: American Community Survey 2019-2023 5-Year Estimate). Of the 3,325 residents, approximately 80% of the residents are Spanish speaking.

Four-Factor Analysis

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

As shown in Table 1 below, the City of San Joaquin has approximately 3,325 residents. 1,403 (42.2%) of residents in the City of San Joaquin are considered LEP persons, with the majority of those LEP persons primarily speaking Spanish (80% of the community) and Other Languages (23 .7% of the community).

Table 1: Languages Spoken in the City of San Joaquin's Residents

Language Spoken	Group Population	Group's Percentage of Population	Portion of Group that Speaks English Very Well	Portion of Group That Does Not Speak English Very Well
English Only	641	19.3%	X	X
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Other Indo-European Languages	0.00	0%	0.00 (0%)	0.00 (0%)
Asian and Pacific Island Languages	0.00	0%	0.00 (0%)	0.00 (0%)
Other Languages	23	0.7%	23 (100%)	0.00 (0%)
Total Population Above 5 Years	**3,325**	**X**	**1,922 (57.8%)**	**1,403 (42.2%)**

Source: US Census: American Community Survey 2019-2023 5-Year Estimate
S1601: Language Spoken at Home - Census Bureau Table

1. **The frequency of LEP contacts.**

No data has been collected regarding frequency of contact with LEP persons at the City. Most interactions with LEP persons occur at the City's Finance Department due to residents paying utility bills. Based on observation from Finance Department front-counter staff, the frequency for translation from Spanish to English is on average once per day. The frequency for translation from Punjabi to English is on average once per week. Currently the City's Human Resources Department retains a list which lists all City staff which are certified translators for various languages. If front counter staff that speak either Spanish or Punjabi are not available, City staff will reach out to a certified translator from the list.

Public Works staff does not regularly receive requests for translation through Federally funded programs/projects, though the outreach components of said programs/projects do typically have multi-lingual resources. Further, if translation services are needed, staff will provide said translation in a timely manner.

2. **The nature and importance of programs, services, or activities provided by the City of San Joaquin.**

From observation provided by Public Works staff, it is rare that translation services are requested for programs, services, or activities which are Federally-funded. As stated above, the front counter Staff with the City's Finance Department are the ones who most frequently encounter LEP persons requesting and/or needing translation services.

Though Public Works Staff has received very few requests for translation services on Federally-funded projects, programs and services, Staff is keenly aware that over forty percent of the City's residents are LEPs and therefore it is highly likely that LEPs will be stakeholder in any of the said projects, programs and services. As such, when Staff has encountered the need for translation services, Staff has provided the services readily.

3. **The Resources Available for LEP persons**.

After a review of the City's currently available resources for LEP persons, the City has determined that the current available resources are lacking and inconsistent. The City will remedy the lack of resources, through the action plan listed in the next section.

Action Plan

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

- Non-Discrimination Policy Statement
    - Statement shall be printed in English and Spanish. Said statement will be posted in the City Hall lobby in a highly visible location.
- Title VI Rights Poster
    - Posters shall be printed in English and Spanish. Said posters will be posted in the City Hall lobby in a highly visible location, and additional copies will be available for the public to review and take.
- Title VI Complaint Form
    - Complaint forms shall be printed in English and Spanish. Said forms will be in the City Hall lobby in a highly visible location.
- I Speak Cards
    - I Speak Cards will be produced to easily identify translation services needed for English and Spanish. Said cards will be placed at all public counters and with the other Title VI information.
- Title VI Webpage on City's Website
    - All of the City's Title VI resources will be posted on the City's website at the following link: www.cityofsanjoaquin.org.
- Future Planning and Projects
    - Public Works will ensure that all future projects and planning documents that are federally-funded utilize outreach methods that are compliant with Title VI and other related non-discriminatory assurances.
    - Additionally, the City will ensure that outreach materials are available in English and Spanish, and that translators are readily available as necessary for any LEP Persons that would like to contribute or participate.

Lastly, the Title VI Coordinator will maintain an updated list of certified translators and distribute said list to those who are likely to encounter LEP persons, such that a translator can be contacted the moment one is needed.

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

Appendix B

YOUR RIGHTS AGAINST DISCRIMINATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED NON-DISCRIMINATORY AUTHORITIES

Title VI of the Civil Rights Act of 1964 provides 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 subjected to discrimination under any program or activity receiving federal financial assistance.

The following additional authorities provide protection against discrimination on the basis of sex, age, disability, religion, sexual orientation, gender identity, or any other category protected by State or Federal law:

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.)

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.)

The Civil Rights Restoration Act of 1987 (Public Law 200-209)

Executive Order 12898 (issued February 11, 1994)

Executive Order 13166 (issued August 16, 2000)

Any person who believes that they have been discriminated against may file a written complaint with the City of San Joaquin, within 180 days of the alleged discrimination. Additional information and Title VI Complaint Forms can be obtained on the City of San Joaquin's website, at the following location: www.cityofsanjoaquin.org. Title VI Complaint Forms can also be obtained from the Public Works Department at City Hall.

To file a Title VI discrimination complaint, please use the following contact information:

City of San Joaquin
21900 Colorado Avenue
San Joaquin, CA 93660
(599) 693-4311
stanb@cityofsanjoaquin.org

Appendix C

TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires 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 subjected to discrimination under any program or activity receiving federal financial assistance." If you wish to submit a Title VI complaint to the City of San Joaquin, please complete the below information and submit this form to:

City of San Joaquin
21900 Colorado Avenue
San Joaquin, CA 93660
(599) 693-4311
stanb@cityofsanjoaquin.org

Name:

Address:

City: State: Zip Code:

Cell: Home:

Name, title, and description of person(s) who allegedly discriminated against you:

Check the box(es) for the type(s) of discrimination that was experienced:

☐	Race	☐	Sex	☐	Religion
☐	Color	☐	Age	☐	Sexual Orientation
☐	National Origin	☐	Disability	☐	Gender Identity
☐	Other (Please Describe):				

Date(s) that alleged event(s) took place:

Location(s) where the alleged event(s) took place:

Is the alleged discrimination still ongoing?:

In your own words, please describe the alleged discrimination, explain what happened, and who you believe is responsible:

Please list any person(s) we may contact for additional information to provide further information for your complaint:

Have you filed this complaint with any other federal agency, state agency, federal court, or state court?:

If yes, please check all that apply:

- ☐ Federal Agency
- ☐ State Agency
- ☐ Federal Court
- ☐ State Court

Please provide the name, phone number, and email of the contact persons at the agency/court where the complaint was filed, below:

Please sign and date this form on the lines provided below. If any additional space is needed to provide information about this complaint, please attach the additional information to this form.

Signature: Date:

Apéndice D

FORMULARIO DE QUEJAS DEL TÍTULO VI

El Título VI de la Ley de Derechos Civiles de 1964 exige que “Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de participar, se le negarán los beneficios ni será objeto de discriminación en ningún programa o actividad que reciba asistencia financiera federal.” Si desea presentar una queja conforme al Título VI ante la Ciudad de San Joaquin, complete la siguiente información y envíe este formulario a:

Ciudad de San Joaquin
21900 Colorado Avenue
San Joaquin, CA 93660
(599) 693-4311
stanb@cityofsanjoaquin.org

Nombre:

Dirección:

Ciudad: Estado: Código Postal:

Teléfono móvil: Teléfono de casa:

Nombre, titulo, y descripción de la(s) persona(s) que presuntamente te discrimino:

Elija la(s) caja(s) que describe el tipo de discriminación que por el cual paso:

☐ Raza	☐ Sexo	☐ Religión
☐ Color	☐ Edad	☐ Orientación Sexual
☐ Origen Nacional	☐ Discapacidad	☐ Identidad de Genero
☐ Otro (Favor de describir):		

Fecha(s) en cual el presunto acontecimiento tomo lugar:

Ubicación(es) donde el presunto acontecimiento tomo lugar:

¿La presunta discriminación aún persiste?:

En sus propias palabras, describa la presunta discriminación, explique lo que sucedió y quién cree que es el responsable:

Enumere las personas con las que podemos comunicarnos para obtener información adicional para su queja:

¿Ha presentado esta queja ante alguna otra agencia federal, agencia estatal, tribunal federal o tribunal estatal?

Si es así, elija todas las que correspondan:

- ☐ Agencia Federal
- ☐ Agencia Estatal
- ☐ Tribunal Federal
- ☐ Tribunal Estatal

Proporcione el nombre, número de teléfono y correo electrónico de las personas de contacto en la agencia/tribunal donde se presentó la queja, a continuación:

Firme y feche este formulario en las líneas indicadas a continuación. Si necesita más espacio para proporcionar información sobre esta queja, adjúntela a este formulario.

Firma: Fecha:

Appendix E

US DOT Title VI Assurances A-E

APPENDIX A

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

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, age, sex, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitation for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, age, sex, or disability.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

1. withholding payments to the contractor under the contract until the contractor complies; and/or
2. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the California Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the California Department of Transportation, its successors and assigns.

The California Department of Transportation, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the California Department of Transportation will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said lands, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

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

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the California Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the California Department of Transportation and its assigns.*

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

APPENDIX D

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

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest ,and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (license, permits, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, the California Department of Transportation will there upon revert to and vest in and become the absolute property of the California Department of Transportation and its assigns.

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

APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), prohibits discrimination on the basis of sex;

- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CR Part 27;

- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), prohibits discrimination on the basis of age);

- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);

- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination of the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).