



TO: City of Kokomo, Board of Public Works and Safety

FROM: Carey Stranahan, City Engineer

DATE: January 22, 2016

RE: Title VI Implementation Plan

To ensure that the city will be eligible for funds distributed from the State of Indiana, the City of Kokomo is required to adopt the Title VI Implementation Plan. The Title VI Implementation Plan provides a framework for discrimination prevention for the participation in public services based on race, color, national origin or spoken language.

I recommend that the Board of Public Works and Safety adopt the Title VI Implementation Plan.

APPROVED BY BOARD OF PUBLIC
WORKS AND SAFETY

JAN 27 2016

BOARD OF PUBLIC WORKS



CITY OF KOKOMO, INDIANA

TITLE VI

NONDISCRIMINATION
IMPLEMENTATION

PLAN & POLICY

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CITY OF KOKOMO, INDIANA
TITLE VI NONDISCRIMINATION PLAN & POLICY

1. Policy Statement

To establish a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities as it relates to transportation services. The City of Kokomo recognizes its responsibilities to the community in which it operates and to the society it serves. It is the City of Kokomo's policy to utilize its best efforts to assure that no person 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 its program of transit service delivery and related benefits.

Objectives of the policy are to:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- B. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- C. Promote the full and fair participation of all affected populations in transportation decision-making;
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, the City of Kokomo, Indiana, will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the ground of race, color, or national origin.



CITY OF KOKOMO, INDIANA
TITLE VI

WHEREAS, the development of the Title VI program, describing the City of Kokomo's efforts to assure non-discrimination in the Kokomo/Howard County planning area as a requirement of the U.S. Department of Transportation, and

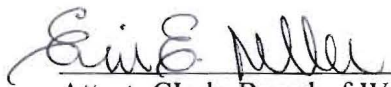
WHEREAS, the Title VI program was developed by the City of Kokomo, and

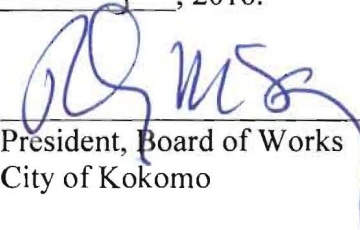
WHEREAS, the Board of Public Works and Safety has given the proposed Title VI program its favorable recommendation.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Works and Safety, in its ongoing effort to assure non-discrimination, that the City of Kokomo's Title VI program be approved and adopted as follows:

1. The Title VI program was disseminated to the public via local media outlets, internet sites, and brochures;
2. Title VI Procedures are available to the public for comment and complaints;
3. No Title VI complaints were received by the Human Rights Commission in the preceding year;
4. Language Assistance Plan and Limited English Proficient have been addressed;
5. All requirements for compliance to Title VI have been met.

Approved this 27 day of January, 2016.


Attest: Clerk, Board of Works


President, Board of Works
City of Kokomo

2. Title VI Coordinator

Katherine Horton
Human Resources Director
City of Kokomo
100 S. Union Street
Kokomo, IN 46901
Telephone: 765-456-7470
Email: khorton@cityofkokomo.org

The City of Kokomo Title VI Coordinator will:

- Administer and implement the City of Kokomo's Title VI plan and policy.
- Develop and maintain a Title VI liaison team to ensure departments are implementing, monitoring and complying with the City of Kokomo's Title VI plan and policy.
- Conduct Title VI reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department liaisons for dissemination to employees.
- Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- Work with liaisons to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- Ensure Title VI language is included in City of Kokomo contracts.
- Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure the City of Kokomo's continued compliance with Title VI.
- Collect, review and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding such requests for language services, demographic statistics, department compliance reviews and all Title VI discrimination complaints.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.

3. Employer/Employee Discrimination & Training

Title VI plan and policy education and literature will be provided to all City of Kokomo employees. City of Kokomo employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, City of Kokomo employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and

reasonable action to avoid or minimize discrimination incidences and **immediately** notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

4. Contractors, Subcontractors, Vendors & Consultants

All contractors, subcontractors and vendors who receive payments from City of Kokomo where funding originates from any federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. City of Kokomo will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

5. Concerns/Complaint Process

City of Kokomo will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the City of Kokomo Title VI Coordinator and/or Human Rights Commission. Complaint forms can be found on City of Kokomo's website: www.cityofkokomo.org (Departments/Boards and Commissions/Human Rights/Complaint Form), or by contacting the City of Kokomo Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Complaints must contain the following and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant.
- Contact information (telephone number, address, email address).
- Basis for the allegation(s) (i.e., race, color, national origin, gender, age, etc.).
- A detailed description of the alleged discrimination (how, when, where & why they believe they were discriminated against including the location(s), names(s) and contact information of all witnesses, if applicable).
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the City of Kokomo Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the City of Kokomo Title VI Coordinator will assist the complainant in completing a written statement. Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional

information will be requested. The complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If City of Kokomo does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside City of Kokomo's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside City of Kokomo's jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations and responses will be retained by City of Kokomo for at least three (3) years.

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated against the complainant or a third-party, City of Kokomo must first obtain the complainant's written consent. City of Kokomo must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint with:

Department of Justice
Federal Coordination and Compliance Section – NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

6. Public Dissemination

Title VI information shall be displayed in City of Kokomo buildings and all places in which public meetings are held. The name and contact information of the City of Kokomo Title VI Coordinator will be displayed on the Title VI information.

The City of Kokomo Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, are available on the City of Kokomo website at www.cityofkokomo.org. Copies of these plans will be provided upon request. LEP individuals may obtain translated copies of these plans upon

request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

7. Community Involvement & Outreach

City of Kokomo is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The City of Kokomo Council meet bi-weekly and the City of Kokomo Board of Works meet weekly and both of those meetings are open to the public, as well as other various City of Kokomo meetings. Any meetings that are open to the public are published on the main page of the City of Kokomo website and distributed to local media outlets. All City of Kokomo public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made forty-eight (48) hours in advance.

Also published on the City of Kokomo website are various meeting agendas, meeting minutes, City of Kokomo notices, events and news. Some departments within City of Kokomo utilize signage, media and social media websites as another avenue to communicate with the community.

8. Data Collection

The City of Kokomo shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

City of Kokomo shall utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

9. Section 504/Americans with Disabilities (ADA)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, and the Americans with Disabilities Act of 1990, as well as any other local, federal and state laws and regulations, City of Kokomo will make every reasonable

effort to ensure that no individual with a disability will be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of City of Kokomo's programs or activities.

For more information regarding City of Kokomo's ADA policy, please visit City of Kokomo's website at www.cityofkokomo.org (Departments/Boards and Commissions/Mayor's Advisory Council on Disability Issues). ADA complaints can be made directly to the Mayor's Advisor Council on Disability Issues.

Questions, concerns, comments or requests regarding the ADA should be made to City of Kokomo's ADA Coordinator:

ADA Coordinator

Carey Stranahan
City Engineer
City of Kokomo
100 S. Union Street
Kokomo, IN 46901
Telephone: 765-456-7408
Email: cstranahan@cityofkokomo.org

10. Limited English Proficiency (LEP) Plan

City of Kokomo has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color or national origin in programs and activities receiving federal financial assistance. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by City of Kokomo.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order No. 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English. In order to prepare this plan, City of Kokomo utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a City of Kokomo program, activity or service.
2. The frequency with which LEP persons come in contact with City of Kokomo programs, activities or services.
3. The nature and importance of programs, activities or services provided by City of Kokomo to the LEP population.
4. The resources available to City of Kokomo and the overall costs to provide LEP assistance.

The 2007-2011 American Community Survey indicates a population of less than 0.6% respond as 'Speak English less than very well.' Interviews with service providers, including drivers, dispatchers, supervisors, and administrators indicate they have not encountered a problem with persons not speaking English.

However, the City does recognize its obligations to ensure meaningful access to LEP persons, programs and activities. In compliance with the Department's Policy Guidance on LEP persons, the City has considered the following:

- a. Number of proportion of LEP individuals in the eligible population is very small (less than 0.6%) and therefore, very low.
- b. Based on interviews with our service providers, the frequency of contact with the program by LEP is very rare and does not interfere with access to our programs or activities.
- c. Resources available include those provided by our local law enforcement agencies. The agencies provide interpretation for Spanish (our only other significant language used) on a 24 hour, 7 days a week basis. These services are currently available at no cost to the recipient.
- d. The City of Kokomo also has within its jurisdiction the Literacy Coalition of Howard County. A non-profit organization that offers *English as a Second Language Courses*, free of charge.

City of Kokomo is aware that the community profile is ever-changing; therefore, this LEP plan and the four-factor analysis will be re-evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact the City of Kokomo Title VI Coordinator.

11. Social Equity and Environmental Justice

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of the City's public participation activities. The City of Kokomo's policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the principles of social equity and environmental justice. Social equity means ensuring that all communities are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and action do not disproportionately affect low income and minority communities.

12. City of Kokomo, Indiana Title VI Assurances

City of Kokomo (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office

of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives to the end that is in accordance with the Act, Regulations, and other pertinent directives, 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 the "appropriate Grantor(s)" and, **HEREBY GIVES ASSURANCE THAT** it will promptly take any measures necessary to effectuate the agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the "appropriate Grantor(s):"

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. The Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the "appropriate Grantor(s)" and, in adapted form in all proposals for negotiated agreements:

Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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.

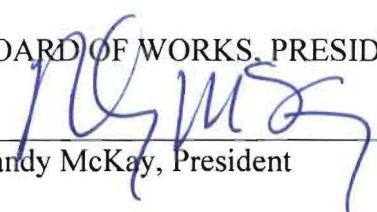
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall 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 acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the "appropriate Grantor(s)" and (b) for the construction or use of or access to space

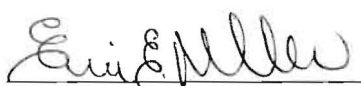
on, over, or under real property acquired, or improved under the "appropriate Grantor(s)."

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 shall 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-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations, and this Assurance. This Assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the "appropriate Grantor(s)" and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the "appropriate Grantor(s)". The person or persons whose signature(s) appear below are authorized to sign this Assurance of behalf of the Recipient.

DATED: 1/27/16

BOARD OF WORKS, PRESIDENT


Randy McKay, President

WITNESS: 
Erin Miller, Board of Works Clerk

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 shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter “FHWA”) Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3 **Solicitations for Subcontractors, 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 shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4 **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5 **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.

- 6 Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and 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, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23, Code of Federal Regulations Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) 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 *Indiana 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 the Indiana 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 shall be binding on the Indiana Department of Transportation, its successors and assigns.

The Indiana 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 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 with regard to any facility located wholly, or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Indiana Department of Transportation shall use the 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, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of the Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and

Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of a breach of any of the abovementioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall 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 purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into with the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deed and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of a breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of a breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of a breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.