

Cumberland Area MPO  
**Title VI Plan**

**To Ensure Nondiscrimination  
In All Programs and  
Activities**

**2014**

Adopted: August 21, 2014



**Cumberland Area**  
METROPOLITAN PLANNING ORGANIZATION  
Cumberland - Frostburg - Allegany County

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# Resolution

No. 14-18

Resolution approving the Cumberland Area MPO Title VI Plan to Ensure Nondiscrimination in all Programs and Activities:

WHEREAS, the Cumberland Area Metropolitan Planning Organization was established to manage and provide policy direction to the Unified Planning Program in accordance with Federal requirements, and the Allegany County Commissioners have been designated as the Metropolitan Planning Organization for this area as approved by the Maryland Governor Harry Hughes on May 17, 1982; and

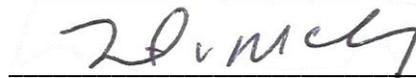
WHEREAS, Title VI of the Civil Rights Act of 1964 and related statutes prohibit discrimination on the basis of race, religion, color, national origin, sex, age, or disability; and

WHEREAS, The Cumberland Area Metropolitan Planning Organization, as a recipient of federal financial assistance is required to comply with Title VI requirements which include review and approval of the Title VI Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Allegany County Commissioners acting as the Cumberland Area Metropolitan Planning Organization approves Cumberland Area MPO Title VI Plan and assigns authority to the Cumberland Area Metropolitan Planning Organization Title VI Coordinator to sign the United States Department of Transportation's Title VI Assurances.

ADOPTED THIS 21<sup>st</sup> day of August, 2014.

County Commissioners of Allegany County, Maryland



Michael W. McKay, President

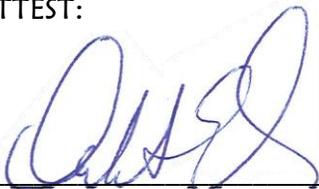


Creade V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner

ATTEST:



David A. Eberly County Administrator

## Introduction

### *Environmental Justice Activity*

Title VI of the Civil Rights Act of 1964 requires outreach to underserved groups and “no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” A further 1994 Presidential directive dictates that “Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

Environmental Justice Activity is addressed in the Cumberland MPO’s Long Range Transportation Plan (“RTP”); the full LRTP is available online at [Cumberland Area Long Range Transportation Plan 2011 Final](#) in Section 5.1: Environmental Justices discusses conditions and trends for the study area’s transportation system related to environmental justice, environmental practices, safety, and security.

### *Executive Order 12898*

Groups impacted: low-income and minority populations, which may include sub-groups of elderly and disabled.

The Cumberland Area MPO (CAMPO) will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist the under-represented and underserved, the CAMPO will adhere to the Safe Accountable Flexible Efficient transportation Equity Act: A Legacy for Users (SAFETEA-LU), and subsequent guidance from Moving Ahead for Progress in the 21st Century Act (MAP-21), as it is developed within the transportation planning process. A Public Participation Plan was adopted by CAMPO on June 5, 2008.

The CAMPO will make every effort to hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant; and, arrange for reasonable accessibility and accommodation to person with disabilities. Further, to provide equally effective communication, the CAMPO will make due preparation, when appropriate for a person or persons requiring assistance, such as the hearing or visually impaired, upon request.

The CAMPO will assist persons with limited English proficiency to participate in the transportation planning process. Staff will make every effort to provide translators and document translation, where feasible, upon request. As needed, the CAMPO employs the interpretation and translation services of Statewide Foreign Language Interpretation/Translation Services (FLITS), to best serve the non-English-speaking community. Elderly person or non-vehicle households who are unable to attend meetings may request information from the CAMPO office and have the requested materials delivered to their residence. CAMPO staff is willing to speak with groups in an effort to eliminate participation barriers and involve citizens in the transportation planning process.

## Public Notice on Title VI Compliance

The Cumberland Area Metropolitan Planning Organization (CAMPO) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the CAMPO.

For more information on the Cumberland Area Metropolitan Planning Organization's civil rights program, and the procedures to file a civil rights complaint to CAMPO's Title VI Coordinator call 301-722-6360; e-mail:cumberlandMPO@allconet.org; or visit the CAMPO's Title VI Coordinator's office at the Allegany County Transit Office, 1000 Lafayette Avenue, Cumberland, Maryland 21502. For more information go [gov.allconet.org/mpo](http://gov.allconet.org/mpo)

If information is needed in another language, contact 301-722-6360.

## Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, national origin or other applicable laws, by the Cumberland Area Metropolitan Planning Organization (hereinafter referred to as “CAMPO”) may file a Title VI complaint by completing and submitting the Title VI Complaint Form. The CAMPO investigates complaints received no more than 180 days after the alleged incident. The CAMPO will process complaints that are complete.

1. Once the complaint is received, the CAMPO will review it to determine if the CAMPO has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the CAMPO. The CAMPO has 60 days to investigate the complaint.
2. If more information is needed to resolve the case, the CAMPO may contact the Complainant. The Complainant has ten (10) business days from the date of the letter to send 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 (10) business days, the CAMPO can administratively close the case. A case can also be administratively closed if the Complainant no longer wishes to pursue their case.
3. After the investigator reviews the complaint, she/he will issue one of two letters to the Complainant:
  - a) A closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
  - b) An LOF summarizes the allegations and details plans for remedial actions to provide redress. The written response shall be issued no later than ninety (90) calendar days after the date the complaint is received.
4. If the Complainant wishes to appeal the decision, she/he has sixty (60) days after the date of the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590; or with the Federal Highway Administration, at FHWA Office of Civil Rights, Chief Investigations and Adjunction, 400 7th Street SW, Room 4132, Washington DC 20590.

## Record Keeping

Records of all Title VI related complaints and investigations will be kept for forty-eight (48) months. Records will include the date that the complaint or investigation was filed, a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the CAMPO in response to the investigation, lawsuit, or complaint.

# Title VI Complaint Form

## Section 1

Name

Address

Telephone (Home)

Telephone (Work/Cell)

E-mail Address

Accessible Format Requirements

Large Print

Audio Tape

TDD

Other

## Section 2

Are you filing this complaint on your own behalf?

Yes\*

No

\*If you answered "Yes" to this question, go to Section 3.

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

Please explain why you have filed for a third party

## Section 3

I believe the discrimination I experience was based on (check all that apply)

Race       Color       National Origin       Other Protected Class \_\_\_\_\_

Date of Alleged Discrimination (Month, Day, Year) \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.

How can this/these issue(s) be resolved to your satisfaction?

What is the most convenient time and place for us to contact you about this complaint?

If we will not be able to reach you directly, please give us the name and phone number of a person who can reach you and/or provide information about your complaint:

## Section 4

Have you previously filed a Title VI Complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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## Section 5

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, check all that apply:

- Federal Agency: \_\_\_\_\_
- Federal Court \_\_\_\_\_  State Agency \_\_\_\_\_
- State Court \_\_\_\_\_  Local Agency \_\_\_\_\_

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

Name

Title

Agency

Address

Telephone

**Section 6** *(office use only – do not fill in)*

Name of Agency complaint is against: Cumberland Area Metropolitan Planning Organization

Contact Person

Title

Telephone

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

Signature and date required below:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please submit this form to the Cumberland Metropolitan Area Title VI Coordinator at:

Mail: Cumberland Area MPO Title VI Coordinator  
1000 Lafayette Avenue  
Cumberland, Maryland 21502

E-mail: [cumberlandmpo@allconet.org](mailto:cumberlandmpo@allconet.org)  
Fax: 301-722-0326

## Assurances

### *USDOT Standard Assurances and Appendices*

#### The United States Department of Transportation (US DOT) Standard Title VI/Nondiscrimination Assurances, DOT Order No.: 1050.2

A The **Cumberland Area Metropolitan Planning Organization** (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 (FHWA) and the Federal Transit Administration (FTA), 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);
- 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));
- 23 C.F.R. Part 200 (FHWA'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 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
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The preceding statutory and regulatory citations 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 from FHWA and FTA.”*

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

## Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Cumberland Area Metropolitan Planning Organization:

- 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 Federal Highway Administration or Federal Transit Administration programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*The Cumberland Area Metropolitan Planning Organization, 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 insure that any contract entered into pursuant to this advertisement, disadvantaged 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) The Recipient will insert the clauses of APPENDIX A
- 4) and APPENDIX E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

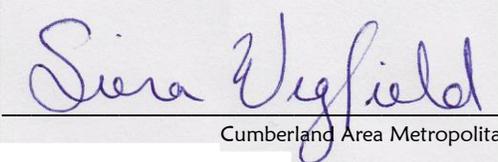
- 5) The Recipient will insert the clauses of APPENDIX B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- 6) That where the Recipient 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.
- 7) 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.
- 8) 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;
  - 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.
- 9) 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.
- 10) 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.
- 11) 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 Cumberland Area Metropolitan Planning Organization also agrees to comply (and require any subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and FTA 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 FHWA and FTA. You must keep records, reports, and submit the material for review upon request to FHWA and FTA, 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 Cumberland Area Metropolitan Planning Organization 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 FHWA and FTA programs. This ASSURANCE is binding on Cumberland Area Metropolitan Planning Organization, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in CAMPO programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Name of Recipient: Cumberland Area Metropolitan Planning Organization

Signature of Authorized Official:  \_\_\_\_\_  
Cumberland Area Metropolitan Planning Organization Title VI Coordinator

Dated: August 21, 2014

## 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, and Federal Transit Administration 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, 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 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, 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, the Federal Highway Administration, or the Federal Transit 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 the Federal Highway Administration, or the Federal Transit 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 or the Federal Transit 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 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 or the Federal Transit 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

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 Cumberland Area Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United State Code, the Regulations for the Administration of Federal Highway Program or Federal Transit Program, and the policies and procedures prescribed by the Federal Highway Administration or the Federal Transit Program 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 Cumberland Area Metropolitan Planning Organization 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 Cumberland Area Metropolitan Planning Organization 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 Cumberland Area Metropolitan Planning Organization, its successors and assigns.

The Cumberland Area Metropolitan Planning Organization, 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 Cumberland Area Metropolitan Planning Organization 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.)

## APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Cumberland Area Metropolitan Planning Organization pursuant to the provisions of Assurance 9(a):

- 1) The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - a) 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 (equates to minority), color, national origin, sex, age, disability, low-income, 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) With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Cumberland Area Metropolitan Planning Organization 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.\*
- 3) With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, , the Cumberland Area Metropolitan Planning Organization 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 Cumberland Area Metropolitan Planning Organization 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 D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by the Cumberland Area Metropolitan Planning Organization pursuant to the provisions of Assurance 9(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 (equates to minority), color, national origin, sex, age, disability, low-income, 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, or national origin, sex, age, disability, low-income, 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, the Cumberland Area Metropolitan Planning Organization 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, the Cumberland Area Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of the Cumberland Area Metropolitan Planning Organization 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:

### 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).