

**COUNCIL ACTION FORM**

**SUBJECT:** TITLE VI CIVIL RIGHTS COMPLIANCE

**BACKGROUND:**

Title VI of the Civil Rights Act of 1964 prohibits discrimination in providing government services. Every five years, the City is subject to a compliance review to ensure the City meets all the requirements of Title VI. This review is conducted by the Iowa Department of Transportation (DOT).

City staff has completed a Title VI Compliance Site Review Tool and reviewed it in a discussion with a representative of the Iowa DOT Civil Rights Team. The review tool must now be submitted for DOT approval.

In addition, the City must sign Standard DOT Assurances. This agreement obligates the City to ensure that its contractors will comply with Title VI. DOT requires these assurances to be approved every five years or whenever there is a change in the Office of the Mayor.

The City is required to have a Title VI Coordinator, who is responsible for implementation and compliance with the City's Title VI plan. The Title VI Coordinator is currently Assistant City Manager Brian Phillips. The City also has an ADA Coordinator who is responsible for ADA compliance. That role is assigned to Assistant City Manager Deb Schildroth. Because these roles are complementary, the City Manager has appointed Deb Schildroth to be responsible for both ADA compliance and Title VI coordination. DOT has requested that this appointment be approved by the City Council.

**ALTERNATIVES:**

1.
  - a. Approve the Title VI Compliance Site Review Tool
  - b. Approve the Standard DOT Assurances
  - c. Approve the appointment of Assistant City Manager Deb Schildroth as Title VI Coordinator
2. Do not approve the Title VI documents or the appointment of the Title VI Coordinator.

**CITY MANAGER’S RECOMMENDED ACTION:**

The City is required to comply with Title VI regulations. The approval of the Title VI Site Review Tool and Standard DOT Assurances will keep the City in good standing regarding Title VI compliance. The approval of Deb Schildroth as the City’s Title VI Coordinator will allow ADA and Title VI compliance to become the responsibility of one person.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.



[www.iowadot.gov](http://www.iowadot.gov)

# TITLE VI COMPLIANCE SITE REVIEW TOOL



## SUB-RECIPIENTS - LOCAL PUBLIC AGENCIES

Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010

Revised 12-06-2011  
Revised 03-10-2014  
Revised 12-18-2014  
Revised 06-17-2015a

**I. TITLE VI SITE REVIEW INFORMATION**

Review Date: November 20, 2019

Agency: City of Ames, IA

Location: 515 Clark Avenue, Ames IA 50010

**A. IOWA DEPARTMENT OF TRANSPORTATION REVIEWER:**

Steven Kerber Affirmative Action and Compliance Officer  
Name Title

Address: 800 Lincoln Way

City/State: Ames, Iowa Zip Code/County: 50010/Story

Phone: 515-239-1483 Fax: (515)239-1175

Email: steven.kerber@iowa.dot.us

**B. SUB-RECIPIENT REPRESENTATIVES:**

Brian Phillips Assistant City Manager / Title VI Coordinator  
Name Title

Deb Schildroth Assistant City Manager / ADA Coordinator  
Name Title

John Joiner Public Works Director  
Name Title

Vanessa Baker-Latimer Housing Coordinator  
Name Title

Karla Kudart FHWA Representative  
Name Title

**C. LPA's TITLE VI COORDINATOR:**

Brian Phillips Assistant City Manager  
Name Title

Phone: 515-239-5101 Fax: 515-239-5142

Email: bphillips@city.ames.ia.us

**II. SUB-RECIPIENT PROFILE**

**A. AGENCY INFORMATION:**

Recipient: City of Ames, Iowa

Administrative Head: Steven L. Schainker City Manager  
 Name Title

Address: 515 Clark Avenue

City/State: Ames, IA Zip Code/County: 50010 Story

Phone: 515-239-5101 Fax: 515-239-5142

Email: sschainker@city.ames.ia.us

**B. SUB-RECIPIENT PROJECT OVERVIEW**

PROJECT DESCRIPTION	FUNDING AMT

**C. Please list the Program (s) or Service (s) receiving financial assistance from the Iowa Department of Transportation and the amount received for the current year.**

PROGRAMS/SERVICES	FUNDING AMT	RECURRING (YES/NO)
ISU Research Park Phase IV	\$1,294,354	No
Shared Use Path Expansion	\$159,000	Yes
CyRide Building Expansion & Modernization	\$517,042	Yes
CyRide Vehicle Replacement	\$225,000	Yes

**III. TITLE VI CERTIFICATIONS AND ASSURANCES & ADA COMPLIANCE**

A. Has the agency signed and submitted its Title VI Assurances? Yes  No  (Please provide a copy)

B. Has the sub-recipient submitted its Title VI Program plan to the Iowa Department of Transportation?  
*Note: Agencies with population over 250,000 are required to have a Title VI Plan. Agencies with a population under 250,000 are required to have Title VI Nondiscrimination Agreement.*

Yes  No  If yes, date submitted: \_\_\_\_\_

C. Does the agency complete an annual Title VI Accomplishment and Goals report? Yes  No   
 (Please provide a copy) *Note: Agencies with populations over 250,000 must submit to the Iowa DOT by September 1<sup>st</sup>. Agencies with populations less than 250,000 must prepare and retain on file for 3 years*

D. Does the agency have a Title VI Policy? Yes  No  (Please provide a copy)

E. What is the process used by sub-recipients to assure Title VI compliance? Please explain:  
The City has a Title VI compliance plan, which outlines the City's compliance policies, complaint procedures and other activities to ensure compliance with Title VI. The City incorporates non-discrimination assurances in its contracts with vendors. It has established language communication guidelines for persons with limited English proficiency to ensure meaningful access to programs and activities. These procedures include posting language identification charts at offices throughout the City organization and providing over-the-phone interpretation services for individuals who speak a language other than English. Information about Title VI is posted throughout City departments on bulletin boards and at the main public posting board in the front of City Hall.

F. Are the Title VI Assurances appendixes included in all contracts? Including deeds, permits, and leases.  
 Yes  No  (Please provide a contract with the Title VI provisions.)

G. Are planning manuals, directives, guidelines, operational procedures, and policies reviewed for Title VI compliance purposes? (Example: Contractor selection procedures and appraisal process for ROW.)  
 Yes  No

H. Does the agency have an ADA Coordinator? Yes  No  If yes, where can the public find contact information for the ADA Coordinator?  
Information is available on the City's website ([www.cityofames.org](http://www.cityofames.org)) at a page dedicated to ADA policy and complaints. Information can also be found within the City's ADA Transition Plan.

I. Does the agency have an ADA Transition Plan? Yes  No  If yes, how does the agency disseminate this information to the public?  
Information is available on the City's website ([www.cityofames.org](http://www.cityofames.org)) at a page dedicated to ADA policy and complaints.

**IV. SUB-RECIPIENT DEMOGRAPHIC INFORMATION**

**A. CITY/COUNTY POPULATION & DEMOGRAPHIC INFORMATION:**

**Total Population of Local Public Agency (LPA):** 67,155 (2018 Estimate)

**RACE/ETHNICITY**

RACE	NUMBER	%	HISPANIC		
			ORIGIN	NUMBER	%
White	56,328	83.9%	Hispanic or Latino	2,978	4.4%
Black or African American	3,126	4.7%	Mexican	n/a	n/a
Am. Indian or Alaskan Native	699	1.0%	Puerto Rican	n/a	n/a
Asian	8,582	12.8%	Cuban	n/a	n/a
Native Hawaiian or other Pacific Islander	0	0%	Other Hispanic or Latino	n/a	n/a
Some other race	1,538	2.3%			

**SEX**

SEX	NUMBER	%
Male	36,077	53.7%
Female	31,078	46.3%

**AGE**

AGE	NUMBER	%
Under 19 years of age	17,267	25.7%
20 – 64 years of age	43,299	64.5%
65 & over	6,589	9.8%

**POVERTY**

	NUMBER	%
Below poverty level	14,469	25.8%
At or above poverty level	41,613	74.2%

**FOREIGN-BORN POPULATION**

	NUMBER	%
Total foreign-born	9,504	13.8%
Speaks English “not well” or “not at all”	4,303	6.7%

**DISABILITY**

TYPE	NUMBER	%
Total Disabled Population	6,159	9.2%
Employment Eligible		
Employed		

**V. PUBLIC NOTIFICATION OF RIGHTS & ACCESSIBILITY**

A. Is Title VI (i.e. Policy and/or Title VI Plan) information publicly displayed and accessible to staff and service beneficiaries? Yes   x   No \_\_\_\_\_ If yes, please describe mechanism:  
A Title VI poster is posted on the City Hall public notice board in the front entry to the building. Additional posters and informational pamphlets are posted throughout City offices at public desks and in common areas. Title VI policy is included on the City’s web site.

B. Does all Title VI related information and materials identify the name and contact information to whom complaints should be referred? Yes   x   No \_\_\_\_\_

- C. Does the sub-recipient disseminate Title VI information to employees, clients and constituents? Yes  x  No \_\_\_\_\_ If yes, please describe process:  The City provides a statement of its non-discrimination employment policy in the Personnel Policies and Procedures Handbook, which is discussed with employees as they are hired and is available from the City's Human Resources Department either in print or on an internal City webpage. Title VI information is available on the City's webpage or from the City Manager's Office. A Title VI brochure is available in City offices and Title VI information is available on posters throughout employee and public areas within City facilities.
- D. Does the sub-recipient provide Title VI training to agency staff? Yes  X  No \_\_\_\_\_ (Please provide documentation as to when, to whom, and what was presented.)

**VI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

- A. Does the sub-recipient have a Limited English Proficiency (LEP) plan? Yes  x  No \_\_\_\_\_ If yes, when was the self-assessment?  2014
- B. What steps has the sub-recipient taken to ensure meaningful access to the benefits, services, information, and other important components of its programs and services to persons with Limited English Proficiency? Please describe:  
 The City has set up an account with a telephone interpretation service, which allows staff to communicate with an LEP individual about City business. The City's website can be translated using Google Translate, which provides information about the City's programs, governance, services, documents, and contact information. Listings of City staff who can translate are available in the LEP plan.

**VII. TRANSPORTATION (BOARDS AND COMMISSIONS)**

- A. List transportation-related appointed board(s), commission(s), or advisory board(s), if any:  
 The Ames Transit Agency Board of Trustees membership is appointed by the City, the Iowa State University Student Government, and by Iowa State University. It does not report to the City Council

**RACIAL/ETHNIC BREAKDOWN OF THE TRANSPORTATION-RELATED BOARD(S) AND/OR COMMISSION(S):**

GROUP	NUMBER
White	5
Black or African American	
Am. Indian or Alaskan Native	
Asian	
Native Hawaiian or other Pacific Islander	
Hispanic – White	1
Hispanic – Non-White	



Other - Unknown	
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**VIII. PUBLIC PARTICIPATION AND OUTREACH**

A. Please provide documentation/evidence describing efforts to identify and involve minority and low-income residents and communities within your service area in the decision-making process:

City Council meetings are held at Ames City Hall, which is accessible by car and is a major transit bus transfer point. These meetings are televised and streamed live online, which offer ample opportunities to understand the decision making process. Special meetings are held for specific construction projects. Affected areas are notified by mailings, fliers, and local news media. These meetings may be held at City Hall, but are also often held at a community location near the project area to encourage participation. Additionally, information about projects is posted on the City's website. Depending on the scope of the project, a virtual project meeting may be recorded and posted on the City's website to allow a thorough understanding of the project and inform residents of various ways to communicate with City officials with feedback. These methods provide for a variety of opportunities to be informed of and communicate feedback regarding proposed actions in the community.

B. Please describe the methods used to inform low-income, and minority populations of planning efforts for transportation-related services and/or improvements:

The City sends out mailings and distributes fliers to residents adjacent areas where projects are planned. Public notices are printed in the local newspaper regarding upcoming projects. The City utilizes email notification lists, facebook, twitter, and other social media to inform residents about upcoming projects and planning efforts. Information is posted on the City's website, and planning efforts are discussed during City Council meetings, which are open to the public, available for viewing on the government access cable channel, or available for livestreaming and watching on demand via the City's website.

C. List minority and/or community media utilized to ensure notification of public meetings or public review of agency documents for residents in minority and low-income communities:

City news releases are distributed to the Ames Tribune, the Iowa State Daily, the Ames Convention and Visitors Bureau, the Ames Chamber of Commerce, WOI News in Des Moines, the Des Moines Register, Hunziker and Associates Realtor Newsletter, Ames Main Street, Campustown Action Association, the Ames Community School District, Iowa State University News Service, Ames City Channel 12, Radio Iowa in Marshalltown, KASI 1430 Radio, Now 105.1 FM Radio, ISU TV, KHOI Community Radio, the Nevada Journal, KCCI News, WHO News, the Tri County Times, the City of Ames Facebook and Twitter followers, Ames Police Facebook and Twitter followers, the City Side newsletter mailed to 22,000 utility bill customers, and the Neighborhood News quarterly postcard mailed to 2,000 households. The City's website is also kept up to date with a calendar of City-sponsored meetings.

D. List adverse social, environmental, economic or demographic impacts identified on any planned or programmed transportation-related projects during the last two years:

None

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E. Are accessible locations and translation services considered or provided during public outreach sessions? Do you notify the public of available accessibility services? (Please provide a copy.) Please describe:

Public meetings are held in accessible locations, such as Ames City Hall. The City's Title VI Plan outlines the City's translation services policy for public meetings. Translation is provided with prior notice.

F. Is the data collected and retained on the attendance at public sessions? Is the information broken down by race, color, national origin and sex? Yes \_\_\_\_\_ No x (Please provide a copy of data or voluntary data collection form.)

**IX. INVESTIGATION AND COMPLAINT PROCESSES**

A. Does your agency have written procedures for responding, recording, and resolving Title VI and ADA investigations complaints, lawsuits? Yes x No \_\_\_\_\_ Please provide a copy of procedures.

B. Has your agency made the public aware of the right to file a complaint? Yes x No \_\_\_\_\_ If so, by what mechanism?  
The complaint policy is in the ADA plan, which is located on the City's website and is available from the City Manager's Office.

C. Please list any Title VI complaints on the basis of race, color and national origin in your agency in the past two years:  
None

Were the complaints investigated? Yes \_\_\_\_\_ No \_\_\_\_\_ By whom? \_\_\_\_\_

1. If "yes" provide a summary of the findings of the investigation, include a copy of the complaint and any correction action taken by the agency.
2. If "no" provide a reason for not investigating the complaint.

**X. DECLARATION OF THE RESPONDENT**

I declare that I have provided information as part of the Title VI Site Review to the best of my knowledge and believe it to be true, correct, and complete.

\_\_\_\_\_  
**Respondent**

\_\_\_\_\_  
**Date**

**XI. DECLARATION OF THE ADMINISTRATIVE HEAD**

I declare that I have reviewed and approved the information provided in the Title VI Site Review and to the best of my knowledge believe it to be true, correct, and complete.

\_\_\_\_\_  
**Administrative Head**

\_\_\_\_\_  
**Date**



## The United States Department of Transportation (USDOT)

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

#### General Assurances

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

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

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

#### Specific Assurances

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federal Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The \_\_\_\_\_, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

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

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, aaaaaaaaaaaaaaaaaa also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, 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.

\_\_\_\_\_ gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal Highway Program**. This ASSURANCE is binding on **Iowa**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
*(Name of Recipient)*

by \_\_\_\_\_  
*(Signature of Authorized Official)*

DATED \_\_\_\_\_

## APPENDIX A

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

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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the \_\_\_\_\_ will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Iowa, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_, its successors and assigns.

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

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



## APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the \_\_\_\_\_ 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, \_\_\_\_\_ will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, \_\_\_\_\_ 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, \_\_\_\_\_ will there upon revert to and vest in and become the absolute property of \_\_\_\_\_ 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:

- 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.*).