TABLE OF CONTENTS

1. Policy Statement............................................................ 3

   Signed Version of Policy Statement....................... 4

2. Title VI Coordinator......................................................... 5

3. Employer/Employee Training & Responsibilities........... 5

4. Contractors, Subcontractors, Consultants & Vendors..... 6

5. Concerns/Complaint Process........................................... 6

6. Public Dissemination.................................................... 7

7. Community Involvement & Outreach........................... 7

8. Data Collection........................................................... 8

9. Section 540/American with Disabilities (ADA)........... 8

10. Limited English Proficiency (LEP) Plan.................. 9

11. Social Equity and Environmental Justices............. 10

12. System-wide Title VI Service Standards and Policies... 10

13. Assurances............................................................... 13

14. Appendix A.............................................................. 16

15. Appendix B.............................................................. 18

16. Appendix C.............................................................. 20
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.
6. The amended Title VI complaint process adheres to the updated city ordinance regarding discrimination complaints.

Approved this 30 day of August, 2017.

Attest: Clerk, Board of Works
President, Board of Works
City of Kokomo

City of Kokomo Title VI Nondiscrimination Plan & Policy
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**
   The City of Kokomo, by and through its Human Rights Commission, will take prompt and reasonable actions to thoroughly investigate all complaints filed. Any individual who believes he/she has been subjected to discrimination, may file a complaint with the Kokomo Human Rights Commission. The complaint form can be found on the City of Kokomo’s website at http://www.cityofkokomo.org/departments/human_rights_commission.php.
   For the complaint to be considered, the complainant must comply with the following requirements:
   1. It must be filed within 90 days from the date of the alleged discriminatory practice;
   2. It must state the full name and address of the complainant; the full name and address of the person, employer, employment agency, labor organization, real estate broker, financial institution or educational institution (i.e. the respondent) against whom the complaint is made;
   3. It must state the alleged discriminatory practice and include a statement of particulars thereof;
   4. It must state the date or dates of the alleged discriminatory practice, or, if the alleged discriminatory practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred;
   5. It must state whether the complainant has instituted any other action, civil or criminal, against the respondent in any other forum based upon the same grievance as is alleged in the complaint and include a statement as to the status or disposition of such other action.
   6. It must be signed and verified before a notary public or any other person duly authorized by law to administer oaths and take acknowledgments.
   7. It must be served upon the respondent within ten days of the filing of the complaint with the Commission.

The Commission will make a prompt and full investigation of each complaint that is properly filed with it in accordance with the procedures outlined in Kokomo Ordinance § 33.20.
If at the conclusion of the investigation, a complainant is dissatisfied with the final resolution of the complaint, he/she may appeal the decision under I.C. 4-21.5 or file a complaint with the following:

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](http://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](http://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 of 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. **System-wide Title VI Service Standards and policies**

**Summary:**
Federal Title VI requirements of the Civil Rights Act of 1964 were recently updated by the Federal Transit Administration (FTA) and now require transportation providers to approve standards and policies. Small transit agencies must define system-wide service standards. Pursuant to requirements set forth in The Federal Transit Administration’s (FTA) Circular 4702.1B CATS must establish and monitor its performance under quantitative Service Standards and qualitative Service Policies. These service standards contained herein are used to develop and maintain efficient and effective fixed-route transit service. In some cases, these standards differ from standards used by CATS for other purposes. The FTA requires all fixed-route transit providers of public transportation to develop quantitative standards for the following indicators. Individual public transportation providers set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry:

**Service Standards and Policies to fixed route service.**

**System-wide Service Standards**

a. Vehicle Load  
b. Vehicle Headways  
c. On-time Performance  
d. Service Availability  
e. System-wide Service Policies  

a. Vehicle Assignment  
b. Transit Amenities

**System-wide Service Standards**
Vehicle Load
Vehicle Load Factor is described as follows by FTA Circular 4702.1B:
Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times.
City-Line calculates Vehicle Load Factor by dividing the average peak passenger load on each route by the fleet's average seating capacity. Vehicle Load Factor is monitored regularly and used to determine whether additional capacity needs to be added to specific trips or routes based on changing demand patterns.
Proposed Standard:
Vehicle Load Factor of 1.25 during peak and 1.00 during off-peak times.

Vehicle Headway
Vehicle headway is described as follows by FTA Circular 4702.1B:
Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes. Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination.
City-Line calculates headway by determining the average length of time between buses on each route. In the event a route regularly exceeds Vehicle Load Factor standards, City-Line will evaluate whether headways should be reduced within the confines of funding levels.

On-Time Performance
On-time performance is described as follows by FTA Circular 4702.1B:
On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance for the system. City-Line defines a bus as late if it departs the “time point” five or more minutes later than the published time. Buses are considered early if they depart from a published time point at any time prior to the scheduled departure.
Current Standard:
City-Line has an adopted on-time performance goal of 92- 95 percent. On-time performance.
Service Availability
Service availability/transit access is described as follows by FTA Circular 4702.1B:
Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. City-Line will determine transit availability by mapping all active bus stops within the system and then calculating the population that resides within one-half mile radii of those stops.
This information is then compared to the total service area population.
Proposed Standard:
A goal of ensuring 60 percent of city residents live within one half mile of a bus stop.

System-wide Service Policies
The FTA requires fixed-route transit providers to develop a policy for each of the following service indicators. The following policies differ from service standards in that they are not based on meeting a quantitative threshold, but rather qualitative evaluation results.

Vehicle Assignment
Vehicle assignment is described as follows by FTA Circular 4702.1B:
Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider’s system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods.
City-Line currently has two general types of buses in the fleet, all of which are maintained to the same strict standards:
- 3-30-foot heavy-duty transit buses
- 4-35-foot heavy-duty transit buses

Proposed Policy:
All buses have the same level of amenities (i.e. air conditioning, wheelchair lifts, Wi-Fi), available to riders. Buses are not assigned to specific routes within City-Line service area based on vehicle age, but rather to serve specific routes that call for vehicles of differing lengths based street limitations. Given City-Line’s strict standards with respect to maintenance, age does not serve as a viable proxy for diminished quality.

Transit Amenities
Transit amenities are described as follows by FTA Circular 4702.1B:
Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed-route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This is not intended to impact funding decisions for transit amenities, rather, this applies after a transit provider has decided to fund an amenity.

Proposed Policy:
Transit amenities are distributed on a system-wide basis. Transit amenities include shelters and benches. The location of transit amenities is determined by factors such as ridership, individual requests, and staff recommendations.

Transit Service Planning & Service and Fare Setting Policies
These policies are handled by the appropriate governing bodies for said services as noted below. This section of the policy is designed to inform and involve public transit riders, stakeholders, and the general public about proposed changes in transit service.

Fare Changes
Of any amount will be approved by the Board of Public Works.

Major Service Reductions
Are defined as any reduction in service miles or hours exceeding twenty-five (25%) percent of the total service miles or hours provided.

Major Route Modifications
Are defined as any fixed-route transit service change that exceeds twenty-five (25%) of the round-trip mileage of a route.
All Service and Route related modifications that fall under the twenty-five (25%) threshold are considered routine and minor and are not subject to these procedures. Public information and involvement programs for service changes would also fall under adopted ordinances by the City of Kokomo.

13. 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. 200d-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 if 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: 8.30.17

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.