

2019



pennsylvania

DEPARTMENT OF TRANSPORTATION

Driver and Vehicle Services Title VI Program Policy Compliance Plan

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. The law was the model for several subsequent federal laws, regulations, and executive orders that prohibit discrimination based on sex, disability, age, creed, low income, or limited English proficiency (LEP). Federal agencies are charged with overseeing compliance among grant recipients and often use the "Title VI Program" as a reference regarding non-discrimination requirements. Additionally, the Title VI Program Compliance Plan addresses Driver and Vehicle Services' (DVS) efforts to prevent and mitigate instances of discrimination.

The protections against discrimination extend to all operations of an agency receiving federal assistance, not just to grant-funded activity. The Civil Rights Restoration Act of 1987 clarifies the broad institution-wide application of Title VI and other non-discrimination statutes. The term "program or activity" means all operations, regardless of whether such programs and activities are federally funded.

Driver and Vehicle Services (DVS) is committed to providing an inclusive environment for all customers, employees, contractors, and vendors. While specific federal and Commonwealth rules against discrimination vary in scope and applicability, it is our policy to adhere to these principles collectively.

The Federal Motor Carrier Safety Administration (FMCSA) Office of Civil Rights is an important partner in carrying out FMCSA 's Title VI Program regulations, which include 49 C.F.R. Part 21 and Part 303. Pursuant to the Title VI Program Assurance, DVS has made a commitment to comply and uphold the requirements of FMCSA. The Program Compliance Plan details how these policies are to be implemented.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17101-1900

OFFICE OF
SECRETARY OF TRANSPORTATION

Title VI Policy Statement

It is the policy of the Pennsylvania Department of Transportation (Department), in accordance with Title VI of the Civil Rights Act of 1964, related Nondiscrimination authorities, and the Assurances set forth in the Department's Title VI Compliance and Implementation Plan to ensure that "no person in the Commonwealth of Pennsylvania shall, on the basis of race, color, national origin, sex, creed, age, disability, low-income, or limited English proficiency (LEP); be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity" for which the Department receives Federal financial assistance. Furthermore, it shall be the policy of the Department to ensure that as a recipient of Federal-aid funding, it will ensure nondiscrimination in all its programs and activities whether Federally funded or not. The Department is steadfast in its commitment to ensure the uniform adoption of this policy.

Accordingly, to ensure compliance with Title VI of the Civil Rights Act and related Nondiscrimination authorities, the Pennsylvania Department of Transportation commits to:

1. Conducting and operating each of its programs and facilities in compliance with all requirements imposed by, or pursuant to, Title VI of the Civil Rights Act and related Nondiscrimination authorities;
2. Providing nondiscriminatory methods of administration for programs and to give reasonable guarantee that the Pennsylvania Department of Transportation, sub-recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal Financial Assistance under such programs will comply with all requirements imposed by Title VI of the Civil Rights Act and related Nondiscrimination authorities; and
3. Promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act and related Nondiscrimination authorities.

Further, the Department's efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects and the functions of right of way, research, planning, design, construction and the environmental.

In accordance with Federal Highway Administration Regulation 23 CFR 200.9, and Title 49 CFR, Department of Transportation, Subtitle A, Office of the Secretary Part 21, and FTA Circular 4702.1B the Pennsylvania Department of Transportation, and the Federal Motor Carrier Safety Administration, 49 CFR Subtitle B Chapter III Subchapter 'A' Part 303 Section 303.1 has developed procedures for prompt processing and disposition of the Title VI complaints. Any person believing the Department or any of its sub-recipients has violated Title VI in the administration of its programs or activities may file a complaint with the Department's Bureau of Equal Opportunity.

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Overall responsibility for this policy is assigned to the Deputy Secretary for Administration located in the Commonwealth Keystone Building, Eighth Floor, Harrisburg, PA, Telephone (717) 787-5628. The Director, Bureau of Equal Opportunity, is appointed as the Title VI Program Administrator and is responsible for the implementation the Department's Title VI Program in coordination with all Department Managers/Directors and Title VI Program designees.

Individuals with questions or requiring additional information relating to this policy or the implementation of the Pennsylvania Department of Transportation's Title VI Program should contact the Director of the Bureau of Equal Opportunity located on the Fifth Floor of the Commonwealth Keystone Building, Harrisburg, PA, Telephone (717) 787-5891 or (800) 468-4201.



Leslie S. Richards
Secretary of Transportation

11/30/19
Date

Driver and Vehicle Services (DVS) Title VI Compliance Plan Coordination

This section provides an overview of Driver and Vehicle Services (DVS). It identifies key staff, contact information, and describes DVS' implementation of various elements of the Title VI Program Compliance Plan.

The DVS Title VI Program Coordinators and Representatives will be trained and assisted in their duties by the Department's Title VI Program Specialist.

The DVS Title VI Program Coordinators, Representatives and Specialist are responsible for ensuring that all matters relating to non-discrimination are administered effectively. The Program Coordinator/Representative/Specialist's responsibilities include but are not limited to:

- Ensuring that the Title VI Department of Transportation (DOT) Standard Assurances are signed annually between federal administrative agencies and the Department;
- Ensuring that the Title VI Contract Provisions are applied to all contracts with contracting agencies performing functions on behalf of DVS;
- Providing Title VI Program training to agency staff;
- Developing Title VI Program and related non-discrimination information for dissemination to the public;
- Facilitating the investigation and resolution of complaints and allegations of discrimination; and
- Developing and maintaining DVS' Title VI Program Compliance Plan.

Notification to beneficiaries and participants

This section describes how DVS disseminates information to the public regarding protections against discrimination afforded to them by the Title VI Program. It also explains how a person may notify the agency and file a complaint regarding allegations of discrimination. DVS disseminates this information to members of the public via its website and through accessible printed documents and/or forms.

[Title VI Public Notice \(English/Spanish\) \(http://www.penndot.gov/about-us/EqualEmployment/Documents/Public%20Notice%20of%20Title%20VI%20Policy%20\(English-Spanish\).pdf\)](http://www.penndot.gov/about-us/EqualEmployment/Documents/Public%20Notice%20of%20Title%20VI%20Policy%20(English-Spanish).pdf)

English version (Title VI Public Notice)

The Pennsylvania Department of Transportation (PennDOT) hereby gives notice that it is the policy of the Department to assure full compliance in all programs and activities with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related statutes and regulations. Title VI and related Nondiscrimination authorities require that no person in the United States shall, on the grounds of race, color, national origin, sex, age, creed, disability, low income, and limited English proficiency (LEP) be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which PennDOT receives Federal financial assistance.

Any person who believes they have been aggrieved by a discriminatory practice under Title VI and related Nondiscrimination authorities has a right to file a formal complaint with the Department. Any such complaint must be in writing and filed with the DVS's Title VI Program Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. A Title VI Discrimination Complaint Form can be obtained from the Bureau of Equal Opportunity by calling (800) 468-4201 or by linking to our website at PADOT Discrimination Complaint Form.

[\(https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf \)](https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf)

Who can file a discrimination complaint? Any person or group that believes they have been subjected to discrimination may file a written allegation with DVS's Title VI Program Coordinators. Please follow the guidelines below to submit an allegation of discrimination:

- The allegation must be filed within 180 days of either the alleged occurrence or the date the person became aware of the alleged discrimination.
- The allegation must be in writing. Please use the link below to access the complaint form. If you cannot access the form or cannot write the allegation, contact the Customer Call Center (1.800.932.4600) or the Bureau of Equal Opportunity (1.800.468.4201) to have the allegation reduced to writing as an accommodation.

PA DOT Discrimination Complaint Form (<https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf>)

- Submit the complaint form to one of the following addresses:

Pennsylvania Driver and Vehicle Services

Title VI Program Coordinator

4th Floor, Bureau of Support Services

1101 South Front Street

Harrisburg, Pennsylvania 17104

or

Bureau of Equal Opportunity

Title VI Program Specialist

400 North Street – 5 West

Harrisburg, Pennsylvania 17120

Spanish version (Title VI Public Notice)

El Departamento de transporte de Pennsylvania (PennDOT) por este medio da aviso de que es la política del Departamento asegurar la plena conformidad con el título VI de la ley de derechos civiles de 1964, el acto de la restauración de los derechos civiles de 1987, E.O. 12898 y relacionados con estatutos y reglamentos en todos los programas y actividades. Título VI requiere que ninguna persona en los Estados Unidos, por motivos de raza, color, origen nacional, sexo, religion, edad o discapacidad se excluirá de la participación en, ser negada los beneficios de o que esté sujeta a discriminación bajo cualquier programa o actividad que PennDOT recibe asistencia financiera Federal.

Cualquier persona que crea que haber sido agraviadas por una práctica discriminatoria ilegal bajo el Titulo VI tiene derecho a presentar una queja con PennDOT. Cualquier denuncia debe ser por escrito y presentados ante

título VI Coordinador el departamento dentro de ciento ochenta 180 días siguientes a la fecha de la supuesta ocurrencia discriminatoria. Carga del formulario de queja de discriminación de título VI puede obtenerse de la oficina de igualdad de oportunidades marcando el 1-800-468-4201 o vinculándola a [PA DOT Discrimination Complaint Form \(https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf \)](https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf)

¿Cómo puedo presentar una queja por discriminación? Cualquier persona o grupo que cree que han sido sometidos a discriminación puede presentar una denuncia escrita con Coordinador del programa de DVS título VI. Por favor siga estas instrucciones para presentar una denuncia de discriminación:

- La denuncia debe ser presentada dentro de 180 días de la supuesta ocurrencia o de la fecha que la persona se dio cuenta de la discriminación alegada.
- El alegato puede ser escrito. Utilice el formulario que se relaciona a continuación. Si usted no puede acceder al formulario o no puede escribir la denuncia, en contacto con el Coordinador del programa al cliente Call Center (1.800.932.4600) título VI para que la denuncia por escrito.

[PA DOT Formulario de queja por discriminación \(https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf \)](https://www.penndot.gov/about-us/EqualEmployment/Documents/EO-478%20Discrimination%20Complaint%20Form.pdf)

Presentar el formulario:

Servicios de vehículo y conductor de Pennsylvania
Título VI Programa Coordinador
1101 Sur frente calle
4to piso, oficina de servicios
Harrisburg, Pennsylvania 17104

or

Oficina de Igualdad de Oportunidades
Título VI Programa Especialista
400 Norte calle – 5 Oeste
Harrisburg, PA 17120

Driver License Centers, Riverfront Office Center Counter Area and PennDOT Photo License Centers

PennDOT Driver License Centers, the Riverfront Office Center Counter Area and PennDOT Photo License Centers displays the poster “Public Notice of Title VI Policy” in a common area available to all customers. The Department created the Public Notice of Title VI Policy poster for all Driver License Centers, the Riverfront Office Center Counter Area and PennDOT Photo License Centers. The poster is published in English and Spanish and has a QR (Quick Response Code) that will take the customer to the Bureau of Equal Opportunity website for information on the policy and how to file a discrimination complaint.

Subrecipient compliance reports

DVS does not currently disburse FMCSA funds to subrecipients.

Title VI Program training

The DVS Title VI Program Coordinators, Representatives and Specialists are responsible for implementing a Title VI Program training for all DVS personnel and contractors performing functions on behalf of the Department. Training content and delivery are provided by The Bureau of Equal Opportunity Title VI Specialist annually and new hires are provided this training by the Coordinators or Representative during their initial orientations. The Title VI Program Policy and a PowerPoint presentation are distributed to personnel during these trainings.

Other relevant training

Cross Cultural Diversity and Communication - This training course includes information on how culture and diversity can affect how we communicate with our internal customers as well as our external customers. It also includes strategies for effective communication and provides information on translation services, which provides interpretation and translation services in more than 200 languages. The training is built to remind us that once we understand, accept and respect different cultural backgrounds, we will become better communicators not only with our

colleagues but also with our customers. This web- based training is mandatory for all Driver and Vehicle Services employees.

Customer Service Training– Our customer service training demonstrates how important it is to be aware of diverse cultures, and customs which in turn influence body language, voice tone, and words. This knowledge allows us to understand what actions or words should or should not be used when conversing with others from different cultural backgrounds. The training emphasizes that when we keep an open mind regarding differences in diversity, we improve multi-cultural communications.

Bridging Better Communications – This course is taught by PennDOT’s Workforce Development. During the training, strategies are discussed to help employees interact with their internal and external customers. Topics include how to greet a customer, non- verbal communication, strategies to assist customers with disabilities and use of the language interpreter service to assist in the communication process when needed.

Limited English Proficiency (LEP) Web-Based Training – This training has been developed for all DVS staff by the Bureau of Equal Opportunity Title VI Specialist. This training focuses on the use of the over-the-phone Interpretation contracts, appropriate use of this service and instruction on how to engage with LEP customers and contracted interpreters. This training is intended to be provided annually for all PennDOT staff, including DVS staff and contracting agents providing services on behalf of the Department.

Limited English Proficiency (LEP)

The Title VI and related statutes and authorities' prohibition of discrimination based on national origin has been interpreted to mean that no person shall be denied access to services due to limited English proficiency (LEP). These laws and authorities apply to DVS services and programs as well as those provided by our contracting agencies. PennDOT has adopted the federal regulatory definition for LEP to mean any person or group whose ability to speak, read or understand English is "less than very well".

Based on the four-factor analysis provided by the U.S. Department of Transportation (USDOT), DVS will periodically assess and update its LEP access and accommodations in programs identified by DVS and FMCSA. USDOT has issued guidance for developing a plan regarding LEP compliance. The guidance states that grant recipients must take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." 70 FR 74087, 74091. A reasonable approach balances the following four factors:

- Number or proportion of LEP persons affected;
- Frequency with which LEP persons affected;
- Nature of service or program and importance to people's lives; and
- Resources and costs.

PennDOT is committed to ensuring the success of the LEP Plan and offers guidance, conducts periodic trainings and compliance monitoring of DVS programs, services and locations. PennDOT has developed a comprehensive LEP Plan for all Departmental functions, including DVS. This LEP Plan has been made available as a resource for DVS staff and has been made available to the public by request or through the PennDOT website.

<https://www.penndot.gov/about-us/EqualEmployment/Documents/LEP%20Plan%20Version%20Edited%2011-29-18.pdf>

Driver's Manual and Driver's License testing for LEP Customers

The Pennsylvania Driver's Manual is available online in PDF format in both English and Spanish. English Version:

<https://www.dot.state.pa.us/public/dvspubsforms/bdl/bdl%20manuals/manuals/pa%20drivers%20manual%20by%20chapter/english/pub%2095.pdf>

Spanish Version:

<https://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Manuals/Manuals/PA%20Drivers%20Manual%20By%20Chapter/Spanish/pub%2095s.pdf>

Additional versions of this Manual in other languages will be made available with advance notice.

To obtain a Pennsylvania driver's license, a person takes a knowledge exam and a road skills test. DVS offers the knowledge exam in several languages and administers the road skills test in English. LEP customers whose requested language is not already available in the pre-existing languages applied to the test, may request the accommodation of having the knowledge exam provided free of charge in the language of their choice with advanced notice.

Prior to a road test, a DVS employee administers a pre-check to determine (1) whether the customer can sufficiently understand given directions to safely operate a motor vehicle and (2) whether the motor vehicle is in working order. LEP customers can request the accommodation of having an interpreter present during the pre-check portion of the test to help translate the Examiners hand signals prior to the road skills test and provide Examiner feed-back after the test has been completed, but the Interpreter may not remain in the vehicle during the road test.

Access to Records

DVS acknowledges its responsibility to provide access to records that demonstrate compliance with Title VI and related non-discrimination authorities. DVS will ensure that records relating to the effective implementation of this plan are available for review by the FMCSA upon demand or by periodic submission to the FMCSA.

To ensure that Title VI Program reporting requirements are met, the Department's Bureau of Equal Opportunity maintains the following:

- A log and database of Title VI Program complaints received and their disposition;
- A log of the public outreach activities; and
- A copy of training materials relating to non-discrimination and Title VI Program compliance.

Maintenance of these records is the responsibility of DVS and the Title VI Program Specialist. Investigative files are confidential and will be maintained by Bureau of Equal Opportunity. The contents of such files are disclosed only to those individuals with the authority to examine such files in accordance with state and federal laws.

PennDOT will retain files as required by the Pennsylvania record retention schedules and in accordance with Federal guidelines.

Complaint Log

(Sample Log)

Date	Name	Allegation	Relevant Class (e.g., race, color, national origin)	Investigation Report Date	Final Determination & Date	Notes
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A log of all complaints along with their outcomes is maintained by the Title VI Program Specialist in the Bureau of Equal Opportunity. This log will be provided upon request to FMCSA for review.

Discrimination Prohibited

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that "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."

The use of the word "person" is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of the United States. In addition to Title VI, there are other Federal and Commonwealth nondiscrimination statutes that afford legal protection. These statutes include but are not limited to the following: Title II of the Civil Rights Act of 1964 (race, color, religious creed and national origin), Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability), and the Pennsylvania Human Relations Act of 1955 (race, color, national origin, sex, religious creed, ancestry, and disability). Taken together, these requirements define an overarching Title VI/Nondiscrimination Program. As a recipient of federal financial assistance, DVS must comply with Title VI and the additional nondiscrimination requirements. It is important to also understand that these nondiscrimination requirements are applicable to all PennDOT programs and its contracting agencies, whether they are receiving federal financial assistance or not.

PennDOT's Title VI Program includes other federal and Commonwealth nondiscrimination authorities which prohibit discrimination based on age, sex, religious creed, disability, limited English proficiency and low-income. The specific types of discrimination prohibited, shall be inclusive of those enumerated in 49 CFR Part 21 Section 21.5.

Discrimination Complaint Procedures

In order to comply with federal and Commonwealth civil rights statutes and authorities, PennDOT has developed procedures for investigating and tracking Title VI Program complaints filed against it and its contracting agencies. These procedures are available to the public upon request. Moreover, to reduce the administrative burden associated with this requirement, PennDOT's contracting agencies are encouraged to adopt the Department's Title VI Program model, complaint investigation procedures and tracking process for their own use.

Title VI Program Coordinators, Representatives and Specialists play an important role in the resolution of discrimination complaints. When individuals have complaints of discrimination or harassment, these Coordinators, Representatives and Specialists are required, working with the

legal office and the responsible agency official, to investigate the allegations and assist in working to resolve these complaints informally.

The purpose of investigating an allegation of discrimination is to determine if, in fact, discrimination did occur, how to correct the behavior, practice or alleged discriminatory conduct, and work to prevent future discriminatory acts.

The Coordinator/Representative/Specialist's role is to document and investigate the allegations of discrimination. As an investigator, it is essential to exercise objectivity throughout the investigative process. The investigator must remain impartial and unbiased throughout the investigation, gathering all relevant facts so that the ultimate decision-maker (responsible agency official) has all of the necessary information to enable him/her to make a determination about the complaint.

The investigator is not an advocate for the complainant or the respondent. Rather, the investigator's role is to remain impartial and conduct every investigation with objectivity and fairness to all parties involved.

All complaints of discrimination must be handled in accordance with these procedures.

Complaint Disposition Process

Any person who believes he or she has been subjected to discrimination based on race, color, national origin, sex, age, creed, disability, income-level or limited English proficiency (LEP) has the right to file a complaint of discrimination under the Title VI Program. The complaint may be filed by an affected individual or their representative and should be in writing. If a complainant is unable to generate their own written complaint, an accommodation will be provided by DVS or Bureau of Equal Opportunity staff to assist the complainant in the complaint drafting process. The complainant will have to sign the complaint generated on their behalf along with a Consent/Release form before complaint processing can begin. The complaint may be filed with the DVS Title VI Program Coordinators, Representatives or the Title VI Program Specialist. The Title VI Program Coordinators and Representatives are responsible for the complaint processing and the Title VI Program Specialist is responsible for file maintenance and oversight of the program.

Filing a Complaint

The complaint must be filed no later than 180 days after the date of the alleged act of harm the complainant believes was discriminatory, the date the person(s) became aware of the alleged discrimination, or the last instance when an ongoing act of harm is alleged. The complaint must be in writing.

Complainants shall explain, as fully as possible, the facts and circumstances surrounding the alleged act of harm and identify the individual(s) and/or organization(s) responsible for the alleged conduct.

Signed allegations of discrimination received by facsimile or email will be acknowledged and processed. If a complainant is unable to provide a written complaint, a telephone interview will be conducted as an accommodation to draft the complainant's allegations and then a copy will be provided to the complainant for confirmation, revision, and signature before processing.

The complaint will include:

- The complainant's name, address, and telephone number;
- Name and address of the individual, agency, institution, or department alleged in complaint;
- How, why, when, and where alleged discrimination occurred; and any other relevant information.

Complaints submitted after the 180-day statutory period can be reviewed by the Office of Chief Counsel (OCC) to determine equitable tolling depending on extenuating circumstances presented by complaint(s). Only the OCC has the authority to determine if a complaint can be accepted beyond the 180-day period. Complainants shall submit complaints to:

Pennsylvania Driver and Vehicle Services Title VI Program Coordinator

4th Floor, Bureau of Support Services

1101 South Front Street

Harrisburg, Pennsylvania 17104

Or

Pennsylvania Department of Transportation
Bureau of Equal Opportunity
PO Box 3251
Harrisburg, PA 17105-3251

Alternatively, complaints may be submitted electronically to RA-pennnoteoreports@pa.gov. Complaints made by phone should call 800-468-4201. Fax complaints may be submitted to 717-772-4026. Complaints received by DVS offices and the Department's contracting agents shall be forwarded to BEO within two (2) days of receipt for processing consistent with these procedures.

Third-Party Complaints

If the complaint is filed by a third-party on behalf of another individual or group, then the Department's Title VI Program Coordinators/Representatives/Specialist will attempt to contact the named complainant(s) (or, where the victim is a minor child or incompetent adult, contact the victim's parent or guardian) on whose behalf the complaint is filed to ensure that the named victim wishes to pursue the allegations raised on his/her behalf. If the person(s) (or his/her parent or guardian) declines to pursue the complaint, the Department closes the complaint and informs the third-party complainant of the reason for the closure. A memo is placed in the file explaining the steps taken and the reasons that the alleged victim(s) (parent or guardian) did not wish to pursue the complaint, if provided. If the person, parent, or guardian does want to pursue the complaint, the Department provides him or her with a copy of the Consent/Release forms for signature. If the named complainant(s) wishes to pursue the allegation(s), the Coordinators/Representatives/Specialist will initiate the Investigatory process and work with all named parties to work towards informal resolution.

If a third-party complainant wishes to pursue a complaint where the alleged aggrieved party does not want to pursue or participate in an investigation, the allegation will be presented to the Office of Chief Counsel to determine if a Department Initiated Investigation may be warranted.

Department Initiated Investigations

In order to proactively address potential discriminatory acts, policies or practices, the Department's Title VI Program Specialist, Representatives and Coordinators may initiate a Departmental investigation without first receiving any formal complaints. The identification of compliance issues is a part of the routine monitoring requirements of the Title VI Program officers. These investigations will be logged and may lead to disparate treatment or impact determinations and Departmentally initiated corrective actions. Internal determinations of non-compliance with any provisions under the Title VI Program will be addressed with the appropriate offices. Issues of non-compliance identified with the Department's contracting agents will be reported to the offending entity along with reasonable expectations for resolution or corrections. Any instances of failure to comply with these recommendations could lead to a determination of non-compliance which would be reported to the appropriate federal jurisdictional agency.

Approaches to Complaint Resolution

In order to efficiently and effectively meet the needs of complainants', the DVS staff will work to resolve issues raised in a complaint of discrimination informally. At each stage of the process, the investigator will make every effort to pursue a resolution with the complainant(s). From the initial interviews with the complainant(s) and the respondent(s) and throughout the fact-finding process, the Coordinators/Representatives/Specialist will request information regarding specifically requested relief and settlement opportunities.

Resolving a complaint to a complainant's satisfaction is the principle goal of the investigator, but such agreements do not absolve DVS or its contracting agencies of the responsibility to address, correct and prevent future incidents of discrimination. Even in cases where complainants are satisfied with the outcome of investigations or resolutions, the underlining allegations must still be addressed and resolved when found to be non-complaintant with the Title VI Program.

Findings of Non-Compliance/Compliance

1. In the event the Bureau of Equal Opportunity or appropriate DOT operating administration concludes there is non-compliance with the

laws/regulations as alleged, the Department will outline the recommendations for corrective action in writing to the respondent.

The respondent will be provided adequate time to comply with the recommendations.

2. In the event the Bureau of Equal Opportunity or concerned DOT operating administration concludes that the respondent is in compliance with the laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, escalate their case or file an action with the appropriate Commonwealth or U.S. District Court, the Pennsylvania Human Relations Commission or the appropriate federal administrative agency.

Contractor Oversight

Various legislative and regulatory requirements (i.e., Civil Rights, Equal Employment Opportunity, disabled accessibility, labor protection, environmental protection, and DBE requirements) receive special attention during the monitoring and review process. Contractor compliance is continually monitored through review of planning documents, project status reports, field checks, project audits, investigations and/or resolutions of complaints.

DVS staff will work together with Bureau of Equal Opportunity staff to ensure that contracting agencies comply with the Department's Title VI Program requirements. Contracting agencies must complete the DOT Title VI Contract Provision, which is included with all contracts generated by PennDOT or those created by other Commonwealth agencies where the contractor is performing functions on behalf of PennDOT. The Title VI Program Specialist thoroughly reviews the programs to ensure they meet Federal compliance standards as well as the Department's Title VI Program requirements. In addition, contracting agencies must provide documentation regarding complaints, lawsuits or civil rights compliance reviews for inspection by the Bureau of Equal Opportunity. Moreover, all materials relating to Title VI Program compliance are scrutinized.

In instances where non-compliance is discovered, contractors are immediately notified of the deficiencies, recommended corrections are given, and a final date to achieve full compliance is provided. Failure to correct the deficiencies could result in suspension of contract pending implementation of corrective actions and/or additional investigation.

If DVS or any of its contracting agencies have previously been reviewed by FMCSA or another federal agency for Title VI Program compliance, DVS will reference any deficiencies identified by the agency and provide the status of corrective actions.

Status of Corrective Actions

No federally conducted compliance reviews occurred during this program year and no outstanding corrective actions were issued or needed to be addressed by the Department or its contracting agencies.

Community Participation Process

In order to comply with federal and Commonwealth civil rights statutes and authorities, DVS has developed procedures for engaging with the public when increasing or decreasing the number of public facilities and/or when making changes to services provided. These procedures are articulated in greater detail in PennDOT's publication Every Voice Counts, Environmental Justice Moving Forward, which can be found using the following link:

<https://www.dot.state.pa.us/public/pubsforms/Publications/PUB%20737.pdf>

PennDOT's commitment to inform and work with the public are further articulated in the Department's Public Participation Plan. This Plan is currently being updated and will be made available to the public during the next program year.

When addressing proposed changes to facility locations and service provided, DVS begins by reviewing regional demographic data. PennDOT's Bureau of Equal Opportunity periodically compiles demographic data from the U.S. Census and additional statistical data sources to identify the location of LEP, minority and low-income communities which may be impacted by DVS activities. This data is used for Benefits and Burdens Analysis to assess possible disparate treatment or impacts based on these affected populations prior to publicly proposing changes to available facilities or services.

The next stage involves customized public outreach through the use of press releases, advertisements in local newspapers, posters and digital billboards at DVS locations, local billboards, radio and television announcements through local media outlets, on the DVS webpage and through the use of social media. All public communications are made available in multiple

languages, large print and in Braille formats with seven (7) days prior notice of a request for accommodations. All web-based communications are translatable using the Department's web translation feature. These communications also include notifications to the public regarding non-discrimination protections provided under the DVS Title VI Program. In the event DVS staff identify the need for more intensive outreach based on demographic analysis or customer and Stakeholder concerns, public meetings will be scheduled in ADA accessible locations.

Customer and Stakeholder concerns will be reviewed and addressed by DVS staff during implementation of the proposed change.

The most notable example of this activity during the past program year has been with the implementation of the Real ID program. As this program was implemented Commonwealth-wide, DVS employed a variety of public communication mechanisms to inform the public of the changes to the Commonwealth's Driver's License policy and the federal requirements for Real ID, such as the need to present personal documentation not previously required to retain a Pennsylvania Driver's license or identification card.

Description of Federal-Aid Programs

DVS applied in 2018 for federal assistance under the grant programs described below and will update this plan with the appropriate descriptions upon seeking additional assistance.

FY2018 CDL Program Improvement Grant FM-CDL- 0343 - 18-01-00

Driver and Vehicle Services, Bureau of Driver Licensing has a current DOT/FMCSA grant to improve the Commercial Driver's License (CDL) program. This grant is funding a total of three (3) projects.

- **Project 1. Covert and Overt Audits**

This project involves the covert and overt auditing of commercial driver's license (CDL) exams. Currently, Pennsylvania has a contract in place with a vendor to conduct covert audits for CDL exams administered by third party examiners (non-PennDOT examiners). Pennsylvania requested grant funding to conduct covert and overt audits for the commercial driver license exams conducted by PennDOT examiners and third-party examiners.

- **Project 2. Refresher Training for State and Third Party CDL Examiners**

This project provides refresher training for State and Third-Party CDL Examiners. This course is intended to provide refresher training for the CDL Skills test administration along with updates on State and Federal policies, procedures, and practices. There are approximately 100 State and 300 Third-Party CDL Skills test examiners with additional examiners being trained as needed.

- **Project 3. AMMVA Timeliness and Accuracy Reports**

This project involves assisting with the personnel costs associated with the review, analysis and resolution of potential, as well as the cleanup of existing, CDLIS problems identified in AAMVA and FMCSA reports before they become compliance findings. Pennsylvania will use grant funding to cover personnel costs for ensuring compliance with federal regulations 384.209, 384.208, 384.231, 384.207, and 384.225 involving timeliness and accuracy.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17101-1900

OFFICE OF
SECRETARY OF TRANSPORTATION

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Commonwealth of Pennsylvania, Department of Transportation (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 Motor Carrier Safety Administration (FMCSA)**, 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);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- 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)*);
- 49 C.F.R. part 303 (FMCSA'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 (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.



Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, national origin, sex, age, disability, low-income, or LEP 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 FMCSA."

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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) 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 the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Commonwealth of Pennsylvania, Department of Transportation**, 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP 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, Commonwealth of Pennsylvania, Department of Transportation, 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 **FMCSA** 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 **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, 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.

Commonwealth of Pennsylvania, Department of Transportation 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 Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on Commonwealth of Pennsylvania, Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Commonwealth of Pennsylvania, Department of Transportation
by 

Leslie S. Richards
Secretary of Transportation

DATED 1/20/19

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 Motor Carrier Safety Administration (FMCSA), 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, national origin, sex, age, disability, income-level, or LEP 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 C.F.R. 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, national origin, sex, age, disability, income-level, or LEP.
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 FMCSA 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 FMCSA, 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 FMCSA 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 FMCSA 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.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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 Commonwealth of Pennsylvania, Department of Transportation, will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** 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 Commonwealth of Pennsylvania, 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 Commonwealth of Pennsylvania, Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Commonwealth of Pennsylvania, Department of Transportation, its successors and assigns.

The Commonwealth of Pennsylvania, 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 will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 Commonwealth of Pennsylvania, Department of Transportation 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.)

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

APPENDIX C

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a 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, national origin, sex, age, disability, income-level, or LEP 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, Commonwealth of Pennsylvania, Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Commonwealth of Pennsylvania, Department of Transportation and its assigns.*

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

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

APPENDIX D

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, 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, national origin, sex, age, disability, income-level, 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, Commonwealth of Pennsylvania, Department of Transportation 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, Commonwealth of Pennsylvania, Department of Transportation will there upon revert to and vest in and become the absolute property of Commonwealth of Pennsylvania, Department of Transportation and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to 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:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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.*).



DISCRIMINATION COMPLAINT FORM

Name	Phone	Name of Person(s) That Discriminated Against You
Address (Street No., P.O. Box, Etc.)		Location and Position of Person (If Known)
City, State, Zip		City, State, Zip
Discrimination Because of: <input type="checkbox"/> Race/Color* <input type="checkbox"/> Sex <input type="checkbox"/> Disability** <input type="checkbox"/> Age <input type="checkbox"/> National Origin* <input type="checkbox"/> Retaliation <input type="checkbox"/> Religion		Date of Alleged Incident
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material pertaining to your case.		
Signature		Date

Please submit this form to one of the following agencies:

<p>Pennsylvania Department of Transportation <i>Bureau of Equal Opportunity</i> P.O. Box 3251 Harrisburg, PA 17105-3251 Phone: (800) 468-4201 Email: penndoteoreports@pa.gov</p>	<p>Federal Highway Administration <i>U.S. Department of Transportation Equal Opportunity Specialist</i> Pennsylvania Division Office 228 Walnut Street, Room 508 Harrisburg, PA 17101-1720 Phone: (717) 221-3705</p>	<p>Federal Motor Carrier Safety Administration <i>U.S. Department of Transportation</i> FMCSA Office of Civil Rights 1200 New Jersey Avenue, SE Washington DC, 20590 ATTN: Room W65-312 Phone: (202) 366-8810</p>	<p>U.S. Department of Justice <i>Office of Justice Programs</i> Office for Civil Rights 810 7th Street, NW Washington, DC 20531 Phone: (202) 307-0690 Phone (TDD): 202-307-2027</p>
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* indicates is specific to Title VI of the Civil Rights Act of 1964 **indicates is specific to Americans with Disabilities Act of 1990

“One Moment Please” Tool

How to Say “One Moment Please” in Eighteen Common Languages

Language:	Written in Language	Phonetic Pronunciation
Albanian:	Nje minutë ju lutem.	nee-yeh mee-noo-teh you loo-tem
Arabic:	دقيقة من فضلك	dakika meen fahdlock (masculine) dakika meen fahdlick (feminine)
Chinese:	请稍候	ching show hoe
French:	Un moment s'il vous plaît.	uhn moe-mon seal-voo-play
German:	Einen Moment bitte.	eye-nen moment bee-teh
Gujarati:	મેહરબાની કારીને એક પલ થોભસો.	meherbani kariné ek pul thobso
Haitian Creole:	Tanpri tann yon ti moman.	tan-pree tan yaw tee moe-maw
Hindi:	कृपया एक पल प्रतीक्षा करें	kreepya ek pal prateeksha karen
Italian:	Un momento per favore.	oon moe-mento pair fah-vore-ay
Japanese:	少々お待ちください。	shosho omachi kudasai
Korean:	잠깐 기다리세요	jam-kan ki-da-ri-se-yo
Polish:	Moment, proszę.	moment prosheh
Portuguese:	Um momento, por favor.	um moe-mento, poor fah-vor
Russian:	Подождите, пожалуйста.	padazhdite, pazhalusta
Spanish:	Un momento por favor.	oon moe-mento poor fah-vor
Swahili:	Subiri kidogo	soo-bee-re key-dough-go
Tamil:	தயவு செய்து ஒரு நிமிடம்	dye-ya-vu seydu oru nimi-dom
Vietnamese:	Xin chờ một chút	sin char moe-chew

