



Title VI Implementation Plan

Federal Fiscal Year 2020

Federal Motor Carrier Safety Administration

(FMCSA)

Oklahoma Department of Transportation

Civil Rights Division

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http://ok.gov/odot/Doing_Business/Civil_Rights/index.html



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

August 21, 2019

In Reply Refer To: MC-CR
FY 2019 Pre-Award OKDOT

Mr. Tim J. Gatz, Executive Director
Oklahoma Department of Transportation
200 NE 21st Street
Oklahoma City, OK 73105

Dear Mr. Gatz:

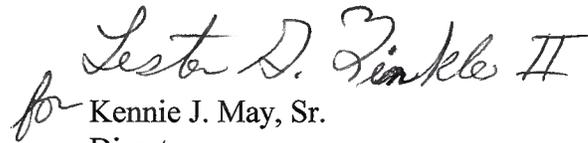
We are in receipt of the Oklahoma Department of Transportation's (DOT) Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Compliance Plan. We have reviewed your FMCSA Title VI Program Compliance Plan and find that the Plan contains all elements stipulated in the FMCSA Title VI Program Compliance Plan Checklist. Therefore, FMCSA approves the Oklahoma DOT's Title VI Program Compliance Plan for Federal Fiscal Year (FY) 2019. We do request that the Oklahoma DOT notify FMCSA's Office of Civil Rights should it provide funding to another Recipient (Sub-Recipient) and/or be the object of a Title VI Program compliance review conducted by another Federal agency. In this eventuality, we will coordinate with the Oklahoma DOT to ensure that the Title VI Program Compliance Plan is updated with the additional information.

On an annual basis, FMCSA's Office of Civil Rights will conduct compliance reviews of a representative sampling of FMCSA Grant Recipients. FMCSA has approximately 125 Recipients annually. If and/or when the Oklahoma DOT is chosen as one of the FMCSA Grant Recipients' Title VI Program that will be reviewed in a given year, the Office of Civil Rights will use the approved Title VI Program Compliance Plan as the basis for conducting the desk audit and will request additional documentation as deemed appropriate during the review.

In addition, a small number of Recipients who are selected for a Title VI Program compliance review will also be selected for an on-site visit which will include personnel interviews. We appreciate your future assistance in the event the Oklahoma DOT is chosen for a compliance review in a given year.

If at any time your Agency has Title VI Program-related questions, please do not hesitate to contact Mr. Lester Finkle, National Title VI Program Manager at (202) 366-4474 or lester.finkle@dot.gov.

Sincerely,


for Kennie J. May, Sr.
Director
Office of Civil Rights

Cc: Katrina Fire, Title VI Coordinator, Oklahoma DOT
Jerry Mac Kirk, Division Administrator, Oklahoma Division Office
Larry Ramsey, Safety Program Manager, Oklahoma Division Office

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I. INTRODUCTION

The Oklahoma Department of Transportation (ODOT) builds and improves Oklahoma's roads, and focuses on its mission to "provide a safe, economical and effective transportation network for the people, commerce and communities of Oklahoma." Established in 1911 as the Oklahoma Department of Highways, ODOT has 2,382 departmental employees all of whom work diligently to further that mission in a fair and nondiscriminatory way. As a recipient of federal financial assistance from the Federal Motor Carrier Safety Administration (FMCSA), ODOT is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

"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."

Title VI served as the model for subsequent nondiscrimination laws based on receipt of federal funding, including Title IX of the Education Amendments of 1972 (sex) and Section 504 of the Rehabilitation Act of 1973 (disability). However, each of these laws is accompanied by its own regulations and requirements and is not interchangeable with Title VI. The FMCSA Title VI Program includes sex, age, disability, low-income, and Limited English Proficient (LEP) as protected groups under the Title VI Program.

The U.S. Department of Justice (DOJ), as the Federal government's coordinating agency for Title VI, implemented its Title VI program in 28 C.F.R. Part 42 and issued guidance in two main documents: The Title VI Legal Manual¹ and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs Federal agencies to enact "rules, regulations, or orders of general applicability" to achieve the statute's objectives. The U.S. Department of Transportation (USDOT) implemented its Title VI program in 49 C.F.R. Part 21. FMCSA's regulations can be found in 49 CFR Part 303.

Title VI is further defined by Executive Orders 12898 (Environmental Justice or EJ), Executive Order 13166 (Limited English Proficiency or LEP):

- Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency.

¹ Title VI Legal Manual (Updated), U.S. Department of Justice website, <https://www.justice.gov/crt/fcs/T6manual>.

II. NONDISCRIMINATION STATEMENT OF POLICY

The Oklahoma Department of Transportation (ODOT) and its Executive Director are committed to full compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, 49 CFR Part 303, and all related regulations, laws, executive orders and directives. The Executive Director, as the ultimate responsible person for Title VI compliance, and the ODOT, ensures that no person or groups of persons 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 and all ODOT services, programs or activities.

Any person who is not an employee of the State of Oklahoma, and who believes that they have been discriminated against because of ODOT's programs, policies or activities, may file a written complaint with the Title VI Coordinator at the address and telephone number listed below:

Oklahoma Department of Transportation
Katrina Fire, Title VI Coordinator
200 NE 21st Street, Room 1-C1
Oklahoma City, Oklahoma 73105-3204
(405) 521-3379 Office
(405) 522-2136 Fax
kfire@odot.org Email

ODOT's Title VI Program is managed by its Title VI Coordinator, who is a member of the Department's Civil Rights Division and reports directly to the Executive Director on Title VI issues. The Title VI Coordinator will work closely with the Title VI Designees, Division Managers, and Division Engineers to perform the routine data collection/data analysis and process reviews required under Title VI.

ODOT's Executive Director is committed to providing the Title VI Coordinator with the resources, authority and responsibility to effectively carry out his/her duties.

Section III in this document further details the ODOT's Title VI assurances with respect to FMCSA Title VI requirements.



Executive Director
Tim J. Gatz



Date

III. FMCSA Title VI Assurances

The United States Department of Transportation
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The Oklahoma 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, 3 C.F.R. 859 (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/ejustice/facts/index.htm>.

Additionally, Executive Order 13166, 3 C.F.R. 289 (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 §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be

(with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

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

“The Oklahoma 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, the Oklahoma 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.

The Oklahoma 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 [insert State], 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.

Oklahoma Department of Transportation
(Name of Recipient)

by 
Tim J. Gatz, Executive Director

DATED 8/19/19

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 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, 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 Oklahoma Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with FAST Act, 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 Oklahoma 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 Oklahoma 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 Oklahoma Department of Transportation, its successors and assigns.

The Oklahoma 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 Oklahoma 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 Oklahoma 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, Oklahoma 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 Oklahoma 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 Oklahoma 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 Oklahoma 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, Oklahoma 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, Oklahoma Department of Transportation will there upon revert to and vest in and become the absolute property of Oklahoma 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 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (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. § 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, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (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), as implemented by 49 C.F.R. § 25.1 et seq.

IV. DESCRIPTION OF FEDERAL-AID PROGRAMS

Oklahoma is applying for funding for projects and ongoing activities in support of the state's Innovative Technology Deployment (ITD) program. The State's ITD Program, and the constituent projects included in this grant application, are designed to:

1. Enhance and maintain the Oklahoma Commercial Vehicle Information Exchange Window (CVIEW);
2. Improve the quality of data made available via the CVIEW to national systems and roadside enforcement for both screening and safety assurance purposes.
3. Deploy innovative technologies to assist roadside enforcement in:
 - a. Identifying out of service (OOS) carriers
 - b. Reducing incidence of overweight / non-compliant and / or unsafe drivers, vehicles and carriers on Oklahoma's roadways
 - c. Reducing related crash potential.
4. Support ongoing maintenance and operation of the overall ITD program with contract projects management / system architect assistance.
5. Support ongoing maintenance and operation of specific ITD systems with operations and maintenance contracts with system vendors.

Oklahoma has been certified as Core Compliant by the FMCSA. FMCSA has reviewed and accepted Oklahoma's expanded Commercial Vehicle Information Systems and Networks (CVISN) Program Plan/Top Level Design (PP/TLD). All projects contained in the Project Plan are included in the State's approved PP/TLD.

The ODOT intends to apply for an expanded HP-ITD Grant with the following activities:

1. CVIEW/International Registration Plan/International Fuel Tax Agreement (IRP-IFTA)/Other State Systems Enhancements In Support Of CVIEW
2. Fixed Weigh Station/Port of Entry (POE) Networking For Department of Public Safety (DPS) At 4 Locations
3. E-screening Algorithm Enhancements
4. Thermal Imaging Brake Testing Pilot Project at One POE
5. ITD-related Travel
6. Contract ITD Projects Management/System Architect Assistance
7. CVIEW Operations and Maintenance
8. inSPECT Operations and Maintenance
9. E-screening Technologies Operation & Maintenance

V. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

The notification shown below is displayed at the Central Office entrance and at all elevator locations, field division headquarters entrance and all elevator locations, and posted on the ODOT's website here:

[https://www.ok.gov/odot/documents/Notifying%20the%20Public%20of%20Rights%20Under%20Title%20VI%20\(FTA\).pdf](https://www.ok.gov/odot/documents/Notifying%20the%20Public%20of%20Rights%20Under%20Title%20VI%20(FTA).pdf).

Notifying the Public of Rights Under Title VI The Oklahoma Department of Transportation

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons 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 and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. The Federal Motor Carrier Safety Administration (FMCSA) Title VI Program includes sex, age, disability, low-income, and LEP as protected groups under the Title VI Program.

Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Office of Civil Rights. Title VI Complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints must be filed using the ODOT's Title VI Complaint Form and submitted electronically or mailed to:

**Oklahoma Department of Transportation
Civil Rights Division
Attention: Katrina Fire
Title VI Coordinator
200 N.E. 21st Street, Room 1-C1
405-521-3379
kfire@odot.org
Oklahoma City, OK 73105**

Title VI Information and forms can be located at http://ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html or by contacting the Title VI Coordinator at kfire@odot.org.

If information is needed in another language, contact 405-521-3379.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email ODOT-ada-titlevi@odot.org.

VI. SUB-RECIPIENT COMPLIANCE REPORTS

The ODOT does not have any FMCSA sub-recipients.

VII. TRAINING

The Title VI Coordinator will regularly update the list of Title VI Designees for each central office division and field division with the Oklahoma Department of Transportation (ODOT). All ODOT designees will be provided training annually to stay current with the Regulations and for new designees to be sufficiently educated to help monitor their program areas, including information regarding the additional FMCSA Title VI requirements.

VIII. ACCESS TO RECORDS

The ODOT will provide documents to FMCSA relating to a compliance review or complaint investigation during normal business hours upon request.

IX. COMPLAINT DISPOSITION PROCEDURES

The complaint process and form for FMCSA complaints are posted on the ODOT website here: https://www.ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html. The process is included in Attachment A.

X. STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY APPLICANT TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW

There are no deficiencies that have been identified previously by FMCSA.

XI. COMMUNITY PARTICIPATION PROCESS

The ODOT is a state partner that does not provide/conduct motorist licensure/motor vehicle registration-related services/activities. This section is not applicable.

Attachment A

COMPLAINT PROCESS
FMCSA Funds

The Oklahoma Department of Transportation (ODOT) uses the following, detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field divisions having responsibilities under the Title VI and the related Nondiscrimination statutes. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Civil Rights Division. A complaint may also be filed by a representative on behalf of such a person.

2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:

- ❖ The date of the alleged act of discrimination; or
- ❖ Where there has been a continuing course of conduct, the date on which that conduct was discovered

3. Complaints shall be filed using the department's Title VI Complaint Form (available at https://www.ok.gov/odot/Doing_Business/ODOT_Forms/index.html or by contacting the Civil Rights Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:
Oklahoma Department of Transportation
Civil Rights Division
Attention: Title VI Coordinator
200 N.E. 21st Street, Room 1-C1
Oklahoma City, OK 73105-3204

4. Upon receipt of the signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.

5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. The department will not proceed with or continue a complaint investigation if:

- a. The complaint is, on its face, without merit
- b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
- c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.

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6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice, and Department of Transportation. The notification letter contains:

- a. The basis of the complaint.
- b. A brief statement of the allegation(s) over which the department has jurisdiction.
- c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
- d. An indication of when the parties will be contacted.

7. The Title VI Coordinator will notify FMCSA's Division Office within ten (10) calendar days of receipt of the allegation(s). Generally, the following information will be included in every notification to the Office of Civil Rights:

- a. Name, address, and phone number of the complainant.
- b. Email address if available.
- c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
- d. Date of the alleged discriminatory act(s).
- e. Date of complaint received by the recipient.
- f. A statement of the complaint.
- g. Other agencies (state, local or Federal) where the complaint has been filed.
- h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.

8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to FMCSA's Division Office.

9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, national origin, sex, age, disability, income level, or limited English proficiency (LEP); name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

10. Within ninety (90) calendar days of receipt of the complaint, the Title VI Coordinator will forward the investigative report to the FMCSA. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition and the date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to FMCSA and the report shall follow upon completion. The FMCSA reviews and issues the official "Letter of Findings" to the complainant.

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If the complaint cannot be resolved by the Department to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. Letters of Findings from FMCSA are not administratively appealable. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

**US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590**

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with the Oklahoma Department of Transportation.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email ODOT-ada-titlevi@odot.org.

Revised 12/2017

Attachment B

TITLE VI COMPLAINT FORM

The Oklahoma Department of Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency (LEP) as provided by the Title VI of the Civil Rights Act of 1964, as amended. The Title VI complaints must be filed within 180 calendar days from the date of the alleged discrimination.



Oklahoma Department of Transportation

Civil Rights Division

200 N.E. 21st Street, Room 1-C1

Oklahoma City, Oklahoma 73105

Phone: (405) 521-3379

Fax: (405) 522-2136

http://ok.gov/odot/Doing_Business/ODOT_Forms/index.html

Date of Filing:	
Name:	
Address:	
City, State, Zip Code:	
Work Phone:	
Home Phone:	
E-mail Address:	

Indicate on what ground(s) you believe you have been discriminated against (check all that apply):

- Race
 Color
 National Origin
 Sex
 Age
 Disability
 Income Level
 Limited English Proficiency (LEP)

Indicate the person(s) who you believe discriminated against you:

Name(s):	
Work Location (if known):	
Work Phone:	
Date of alleged incident	

If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name:	
Address:	
Work Phone:	
E-mail Address:	

Explain why you believe discrimination has occurred. If there are witnesses, please provide names, addresses and telephone numbers. Be sure to include how other persons were treated differently than you. Attach additional pages as necessary and any written material pertaining to your case.

What remedy are you requesting? Please be specific:

Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any other agencies (Federal, State, or local):

Yes No

If so, please provide the following information:

Agency:	
Address:	
Name of Investigator (if known):	
Phone Number:	
E-mail Address:	
Date Filed:	
Status of case:	

I confirm that I have read the above charge(s) and it is true to the best of my knowledge.

Print or typed name of complainant:

Signature

Date

Completed forms must be submitted to the Oklahoma Department of Transportation's Civil Rights Division.
If you require any assistance in filling out this form please contact the Title VI Coordinator at 405-521-3379.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email ODOT-ada-titlevi@odot.org.

