

# **Title VI Program**



**Village of Los Lunas**

**Los Lunas, NM**

**June 2025**



## RESOLUTION 25-21

### A RESOLUTION OF THE VILLAGE OF LOS LUNAS, NEW MEXICO, ADOPTING THE 2025 TITLE VI PROGRAM FOR THE VILLAGE OF LOS LUNAS.

**WHEREAS**, the Village of Los Lunas, New Mexico, has the legal authority to apply for, receive and administer federal funds; and,

**WHEREAS**, the Village of Los Lunas, New Mexico is an active recipient of Federal Transit Administration (FTA) Funding; and,

**WHEREAS**, the Village of Los Lunas, New Mexico is committed to ensuring that no person on the basis of race, color, or national origin will be excluded from participation or subjected to discrimination in the level and quality of transit services or related benefits provided by the Village's employees, affiliates, and contractors.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council that:

That the Village of Los Lunas adopts the 2025 Title VI Program for the Village of Los Lunas.

**PASSED, APPROVED AND ADOPTED** by the governing body at its regular meeting of June 12, 2025.

A blue ink signature of Charles Griego, Mayor, consisting of stylized loops and lines.

Charles Griego, Mayor

**ATTEST:**

A blue ink signature of Gregory D. Martin.

Gregory D. Martin, Village Administrator

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## **Nondiscrimination Statement of Policy**

### **Title VI Policy Statement**

The Village of Los Lunas is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The Village of Los Lunas assures that no person shall, on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, denied the benefits of, or subjected to discrimination under any Village of Los Lunas program, activity, or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual of any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

### **Environmental Justice/Limited English Proficiency Policy Statement**

The Village of Los Lunas is also committed to ensuring every effort will be made to prevent the discrimination of low-income and minority populations due to any impact of its programs or activities in accordance with current federal guidance. In addition, the Village of Los Lunas also assures that every effort will be made to provide access to persons with Limited English Proficiency.

### **Definition of Federal Financial Assistance and Recipients Affected**

Federal financial assistance is defined as any Federal dollars assigned to the Village of Los Lunas to support any program and activity by way of grant, loan, or contract other than a contract of insurance or guaranty.

### **Specific Forms of Discrimination Prohibited**

The Village of Los Lunas' efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration that directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure, or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

## Authorities

1. 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);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.) as amended, (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (29 U.S.C. § 12101 et seq.), (prohibits discrimination on the basis of disability);
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601;
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 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*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*);
10. 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*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services for Individuals with Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination on the Basis of Disability in State and Local Government Services*); and
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

## FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The Village of Los Lunas (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- 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, or national origin);
- 49 C.F.R. Part 21 (entitled *non-discrimination, in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations are referred to hereinafter as the "Acts" and "Regulations," respectively.

## General Assurances

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure necessary to ensure 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 otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from the DOT, including the FHWA."

### **Specific Assurance**

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurance with respect to its Federally Assisted programs and activities:

1. The Recipient agrees that each "activity," "facility," "program," as defined in §§21.23(b) and 21.23(e) of 49 C.F.C § 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 shall insert the following notification in all solicitations for bids, Request for Proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Village of Los Lunas, 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 any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix B of this Assurance as a covenant running with the land in any deed from the United States affecting or recording the transfer of real property, structure, use, or improvements thereon or interest therein to a Recipient.
5. 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. 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 the right to space in, over, or under such property.
7. The Recipient shall 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 the Federal financial assistance is extended to the project, except where the Federal 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 officials to whom they delegate specific authority to give a 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 a program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

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

By signing this Assurance, the Village of Los Lunas 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 Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews and/or compliance investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, 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 Village of Los Lunas gives the 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 Recipient by the U.S. Department of Transportation under Federal-Aid Highway Program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

By: Gregory D. Martin  
Gregory D. Martin, Village Administrator

Date: 6/12/2025

## Public Participation Plan (PPP)

### Securing Public Input

The Village of Los Lunas serves a population of 19,079 people (2023, U.S. Census Bureau, Population Estimates Program (PEP)) and has a municipal area of approximately 20.6 square miles. The Village actively seeks the participation of low-income and minority populations in all planning processes. We identify and engage low-income and minority populations in the planning process so that they can assist in identifying the needs of the community. Members of committees and task force groups are recruited to represent the entire community, including low-income and minority members. The public involvement process includes public meetings located in areas accessible to all members of the community. The Village of Los Lunas uses census and other demographic data to identify which areas of the planning area have a higher concentration of low-income and/or minority

citizens. Village staff also make presentations to civic groups to further ensure that minority and low-income populations have full opportunity to understand and participate in the planning process.

## **1. Public Meetings**

All public meetings will be held in convenient and accessible locations and facilities. Meeting material will be available in various formats upon prior request. The media will be informed of public meetings through various advertising means. Assistance for persons with disabilities will be available upon previous request.

## **2. Public Involvement**

The main objectives are to:

- a. Comply with the public involvement and environmental justice requirements of the Federal and State regulations, and provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects, or policies the Village of Los Lunas, and
- b. Inform and educate citizens and other interested parties about ongoing Village of Los Lunas planning activities and their potential role in those activities.
- c. Work with other local and state organizations that have similar goals and requirements.
- d. Study other municipalities that have been successful in Public Participation Efforts.

Experience has shown that it is difficult to reach a large portion of the population and keep them involved. Federal and State regulations require us to provide the public with information and to reach out to and include traditionally under-served populations. This document has been prepared to serve that purpose.

## **Outreach Tools**

### **1. General Public Relations**

General public relations may be defined as any action that might reach any citizen, whether or not that citizen has a specific interest or knowledge regarding transportation planning. This group of techniques includes announcements targeted at newspapers and radio, posters or pamphlets displayed in public places, and signs posted near future or current transportation project sites. Meetings or hearings that are held in public places and covered by the media can also act as general public relations. These techniques are ways to keep the general public aware of the planning organization's presence and the status of specific projects so that they may develop an interest and choose to become better informed or actively involved.

### **2. Events**

There are a wide variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided, and the details have been hammered out. The following tools are arranged from most participatory to least.

- a. Special Events: Held to bring attention to a specific activity or issue. Special events may take the form of a fair or special educational lecture with civic groups or other public entities. Special events are a way to expose a large number of people to a project or program.
- b. Surveys: An efficient method of gathering input from a large number of people at an early stage of the planning process. Surveys are beneficial when trying to understand the goals and aspirations of a community before attempting to address any specific problems. As an outreach

tool, surveys are a good way to identify citizens who may want to become further involved. Surveys may be administered in person or on the phone, or distributed via mail, on the Internet, or in public places. Since surveys may be labor-intensive, volunteers might aid in implementing a survey

- c. Public Hearings: Usually held when an agency has completed a plan and needs to present it for public review before proceeding with it. As with all of these tools, care must be taken to ensure that the public is fully aware of the event well in advance and that the plan's goals and values are clearly stated.
- d. Community Meetings: Held to discuss programs and activities within the community, and the public is engaged in discussing their needs in general.

3. **Direct Marketing and Education**

Direct marketing and education is meant to reach out and provide specific information to specific parties. For example, landowners or leaders of an ethnic community may be sought out and personally invited to come to a meeting. Similarly, lower-income groups may be specifically targeted to be educated about their rights, or children or families may be targeted to begin a discussion on a specific program. Direct marketing and education can occur through direct mass mailings, radio, press advertising, or meetings with specific groups of people, such as local clubs, property owners, or housing authorities. It can also be done by making direct phone calls or meeting with key people wanting to participate in a given process. Direct marketing and education are the most labor-intensive and potentially fruitful ways to create a diverse and active public participation process.

- a. Plan Monitoring and Evaluation:

Evaluation of the success of any public involvement efforts must be result-oriented. It is never safe to assume that people are uninterested in the project because they don't come to an event. The goal is to educate and include the public at all levels of planning, not just to invite them. Evaluation, then, must be two-fold. The first part is to track what efforts are being made and the results of those efforts, and the second part is to make regular assessments of the success of a technique within a given program and to strategize for future successes.

- b. Tracking Efforts and Success

To track our public participation efforts, the individuals involved must record their efforts.

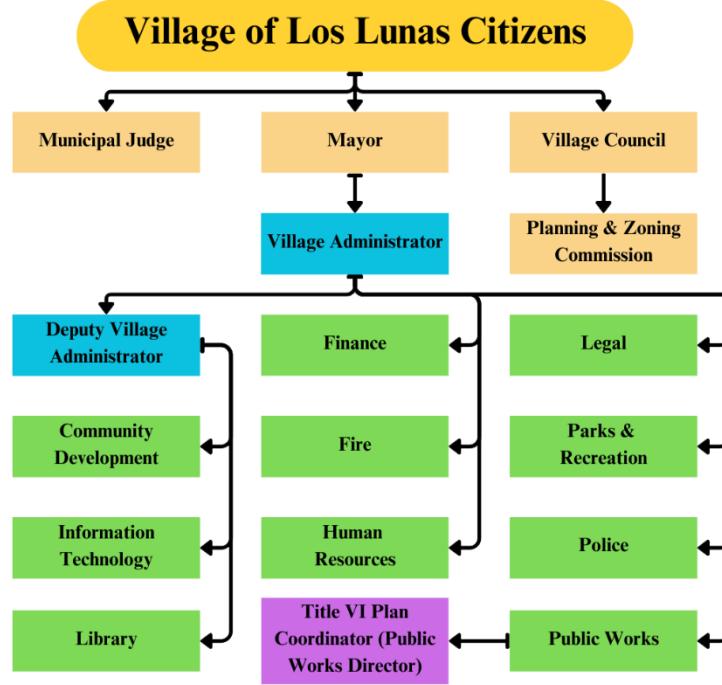
- i. The Village of Los Lunas will keep a log of their outreach activities.
- ii. Sign-in sheets should be used for community meetings or public hearings to monitor and analyze attendance.
- iii. Copies of any print ads and transcripts of any public service announcements should be kept.
- iv. Notes should be made after the meeting regarding the overall tone of the meeting and any ideas or observations made regarding the process.

## **Organizational/Staff Responsibilities**

### **Organizational Overview**

The Village of Los Lunas is an incorporated municipality governed by a Mayor and a four-member elected Village Council. The Village Administrator manages all day-to-day operations and serves the Mayor and the Village Council.

The Village is organized into twelve departments: Administration, Community Development, Finance, Fire, Human Resources, Information Technology, Legal, Library, Parks and Recreation, Police, Public Works, and Municipal Court. The Public Works Director also serves as the Village's Title VI Coordinator.



### Title VI Coordinator Responsibilities

The Title VI Coordinator is responsible for developing and implementing the Title VI plan. The coordinator must also ensure that all Village of Los Lunas entities comply with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting the Title VI Plan and annual reports for the Village of Los Lunas.
- Developing procedures for receiving, processing, investigating, and reporting Title VI complaints.
- Maintaining a Title VI complaint log and reporting to NMDOT periodically.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments to identify Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing writing the remedial action agreed to be necessary.

### Primary Program Area & Review Procedures

The Village of Los Lunas engages in the following program areas. The objective of the review process is to understand the processes of each program area to ensure fairness and open access to all members of the public. The review process also summarizes and highlights efforts to each program area for conducting outreach and providing better access to Village programs.

## Planning

### **1. Planning and Program Development**

Develop near-term and long-term strategies to maintain and enhance the quality and safety of Village transportation and infrastructure.

### **2. Title VI Responsibilities**

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure the participation of a cross-section of various social, economic, and ethnic interest groups in the planning process by disseminating program information to ethnic organizations and conducting public meetings in areas accessible to minority and low-income areas when applicable.
- Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.
- Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.
- Ensure fair access on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and furnish information on membership makeup (race, gender, and position within the organization) for evaluation.
- Visit CAC and public meetings to verify the level of participation of Title VI-protected group members when offered in predominantly minority or low-income communities.
- Gather statistical data on race, color, and national origin for program participation.

## Right-of-Way

### **1. Acquisition process**

For property acquisition, the guidelines in the Right-of-Way Manual are followed, as well as all applicable laws and regulations, including Title VI and Section 504. The right-of-way acquisition process entails property appraisal, negotiation of terms and conditions for acquisition, and assistance in relocating displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

### **2. Title VI Responsibilities**

Ensure fair access for disadvantaged businesses to participate by using current directories identifying service providers and the NMDOT's list of disadvantaged business enterprises (DBEs). The contracts with service providers are typically appraisal contracts but can cover all real estate services, including negotiation, relocation, and property management. Apprise all affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

- Conduct annual implementation reviews of Title VI provisions in real estate acquisition processes.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits, and leases to ensure the incorporation of the appropriate clauses, including Title VI Assurances.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available, and that the property acquisition process provides assistance to all displaced persons and entities.

- Maintain statistical data, including race, color, national origin, and gender, on all relocatees affected by federally funded projects and provide detailed demographic data quarterly to the Title VI Coordinator.
- Gather the statistical data required to complete the Villages' Annual Title VI Update Report, which includes awards to minority and female appraisers.

## Environmental Services

### 1. Consultant Contracts Administration

Identify the needs for each project, ensure they are met in the contract, and ensure consultant compliance to the Village's satisfaction.

### 2. Consultant Selection Process

The Village utilizes the request for proposals and competitive bidding processes to select the appropriate contractors and vendors for the project. Title VI nondiscrimination provisions will be incorporated into all written contracts and materials during this process.

### 3. Environmental Process

Work with neighborhood stakeholders and community groups to ensure that all affected residents have opportunities to participate in the planning, design, and construction of transportation projects.

### 4. Public Outreach in Environmental Decision-Making

The Village works diligently to ensure that households with low incomes and minority households have full and fair participation in the decision-making process without regard to race, color, or national origin or income. Public involvement in environmental issues will be achieved through outreach measures that ensure participation of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Invite a cross-section of the populace from social, economic, and ethnic groups to participate in the planning process through written information in local newspapers and information provided at gathering places such as the library and recreation facilities. Create notices that attract attention and are in layperson's terms.
- Meetings are held at various times during the day and provided at various locations to facilitate access and participation by target populations.
- Translate documents, notices, and hearings for limited English-speaking populations when necessary.
- Obtain demographic data at applicable community meetings and public hearings. Data will be gathered through the use of voluntary self-reporting forms, which include race, gender, and national origin. Copies of these forms will be sent to the Title VI Coordinator after each meeting.
- Document all findings related to potential impacts on low-income and minority populations, consistent with Environmental Justice guidelines under Title VI. Detail all efforts to identify minority or low-income populations affected by transportation planning activities.

### 5. Limited English Proficiency Strategies

- Strategies to provide access to Limited English Proficiency (LEP) persons to ensure that they can communicate effectively will be achieved by measures including but not limited to:
- Applying the "four-factor analysis" process outlined by the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact

with the program, the nature and importance of the program to people's lives, and the resources available to provide translation services. The results of this analysis will be used to reach and engage LEP persons in the transportation planning process.

- Developing a demographic assessment for the impacted area will determine if there is a 5% or more minority population requiring special language assistance and address the needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
- Training staff to ensure they are knowledgeable, aware of LEP policies and procedures, and prepared to facilitate the process effectively.
- Providing translation services for public documents and competent interpreters at public hearings as needed.
- Advertising in local and other media that serves the general population will increase opportunities for public involvement, particularly populations facing barriers to access, including LEP individuals.
- Monitoring the program ensures that LEP persons have access to transportation planning and implementation.

## **6. Title VI Responsibilities**

- Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate information to the public on their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure the time and location of these meetings or hearings are accessible.
- Maintain mechanisms to identify the population affected by a project.
- Ensure the participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.

## **Engineering Services**

### **1. Engineering Services**

The Village, through its engineering consultant, assesses infrastructure and prepares plans for construction, design, and repair. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and the selection of accessible locations and times for public hearings or meetings.

### **2. Design Process**

The location assessment considers a proposed project's economic, social, topographic, and environmental impacts. Special efforts will be made to inform low-income and minority populations about public

involvement opportunities, consistent with Environmental Justice principles under Title VI. These efforts include public notices in minority newspapers and the selection of accessible locations and times for public hearings or meetings.

**3. Construction Engineering**

This service includes designing, planning, building, and managing infrastructures such as highways, bridges, buildings, and utilities. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and the selection of accessible locations and times for public hearings or meetings.

**4. Construction Process**

This process involves new construction and maintaining Village roads and other transportation infrastructure using the most economical resources, including contractors, equipment, and materials. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and the selection of accessible locations and times for public hearings or meetings.

**5. Title VI Responsibilities**

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public meetings in local newspapers and newsletters when appropriate.
- Maintain required Title VI compliance documentation and statistical data. Gather statistical data on race, color & national origin for program requirements.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and guidelines to ensure the incorporation of Title VI language and provisions.

## **Title VI Complaint Procedures**

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 13166

Any person believing they have been excluded from denied participation in denied the benefits of, or otherwise has been subjected to discrimination under any Village of Los Lunas transportation service, program, or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

An individual, group of individuals, or entity may file a formal Title VI complaint with the Village of Los Lunas. Complaints must be submitted to the Village of Los Lunas Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following:

Attn: Title VI Coordinator  
Public Works Department  
Village of Los Lunas  
660 Main St. NW  
Los Lunas, NM 87031

The complaint should include the same address, phone number, and signature of the complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), or the Federal Railroad Administration (FRA) within 180 days of the alleged discriminatory act (or latest occurrence).

Title VI Complaints must be investigated within 60 days. The investigator must interview all parties involved and key witnesses and may also require relevant information. The Village of Los Lunas may specify if there is a particular individual(s) that it should not investigate due to conflict of interest or other reasons.

Title VI Complaints may be forwarded to the New Mexico Department of Transportation or the Federal Highway Administration. If the complaint is forwarded to one of these agencies, the Village of Los Lunas will provide the name and contact information of the person handling the Title VI complaint to the complainant.

Federal Law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI complaints may also be filed directly with the following agencies:

New Mexico Department of Transportation  
Construction and Civil Rights Bureau  
1570 Pacheco St., Building A-10  
Santa Fe, NM 87505  
Phone: (505) 629-9890

Federal Highway Administration  
New Mexico Division  
4001 Office Court Dr., Suite 801  
Santa Fe, NM 87507  
Phone: (505) 820-2021

## **Title VI Complaint Investigations**

The Title VI Coordinator will be responsible for notifying the respondent(s) of the complaint within five working days of receipt. A copy of the complaint will also be forwarded to the alleged discriminatory department, contractor, sub-contractor, or other relevant agency. The Title VI Coordinator's name and telephone number shall be included. The Title VI Coordinator will also forward a copy of the complaint to the Village of Los Lunas Attorney for review.

The Title VI Coordinator, or otherwise qualified investigator, will initiate an investigation within 15 working days of receiving the complaint.

The complainant should submit any documentation they perceive as relevant to proving their complaint.

The respondent will be given the opportunity to respond to all aspects of the complaints' allegations.

Based on relevancy or duplication of evidence, the Title VI Coordinator or qualified investigator will determine which witnesses will be contacted and questioned.

Once the investigation is completed, a final report will be provided to the respondent, the complainant, and the appropriate NMDOT and/or USDOT agency. The final report will include the following:

- The written complaint containing the allegations, basis, and date of filing.
- Summarized statements taken from witnesses.
- Findings of fact.
- Conclusions (based on all evidence in the record) that the complaint is substantiated or unsubstantiated.
- Action(s) the respondent must take to correct deficiencies and to ensure Title VI compliance (if applicable).
- If corrective action(s) is required, the respondent will be given thirty calendar days to inform the Title VI Officer of the actions taken for compliance.
- The respondent may implement corrective actions after the initial thirty calendar days with projected period(s) in which those actions are scheduled to be completed. All corrective actions must be implemented within sixty calendar days.
- If the corrective action(s) have not been completed within the initial thirty-day period allowed. In that case, the respondent will be found to be noncompliant with Title VI and implementing rules and regulations. A referral will be made to the Village of Los Lunas for further action regarding non-compliance.

The complainant and respondent shall be notified of all appeal rights pursuant to 49 CFR 2I.

\*\*Continued on Next Page for Clarity\*\*

## Village of Los Lunas Title VI Complaint Form

<b>Section I:</b>					
Name:					
Address:					
Telephone (Home):		Telephone (Work):			
E-Mail Address:					
Accessible Format Requirements?	Large Print		Audio Type		
	TDD		Other		
<b>Section II:</b>					
Are you filing this complaint on your own behalf?			<input type="checkbox"/> Yes*	<input type="checkbox"/> No	
*If you answered "Yes" to this question, go to Section III.					
If not, please supply the name and relationship of the person for whom you are complaining.			Name:		
			Relationship:		
If you are filing a complaint as a third party, please explain why in the space below:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Section III:</b>					
I believe the discrimination I experienced was based on (check all that apply):					
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year):			MM/DD/20YY		
Explain, as clearly as possible, what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) and any witnesses' names and contact information. If more space is needed, please attach a separate sheet.					
<b>Section IV</b>					
Have you previously filed a Title VI complaint?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	

**Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes

No

If yes, check all that apply

Federal Agency

State Agency

Local Agency

Federal Court

State Court

Other:

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

Name:

Title:

Agency:

Address:

Telephone:

**Section VI**

Name of agency the complaint is against:

Contact person:

Title:

Telephone number:

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

Signature and date required below:

**Signature:** \_\_\_\_\_

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

Please submit this form in person at/or mail to the address below:

Village of Los Lunas Title VI Coordinator  
Public Works Department  
660 Main St. NW  
Lunas, NM 87031

## **Title VI Program Management Procedures**

The Village of Los Lunas is a growing community of approximately 19,079 residents. As an organization, the Village is responsible for serving the needs of all residents, including planning and providing transportation facilities. The Village maintains a master transportation plan that provides guidance for the future of the Village's transportation system. The Village also maintains an infrastructure capital improvement plan (ICIP) to fund capital projects, including transportation facilities. These documents are developed through a public participation process that includes public hearings. The Village's public participation plan outlines procedures for the involvement of low-income and minority populations. The Village's Limited English Proficiency (LEP) Plan is provided here.

The Village of Los Lunas Title VI Coordination Shall:

- Ensure the transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process, overall strategies, and goals.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organization attempts to reflect the makeup of the population served. Including periodically reporting the MPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the transportation project planning.
- Monitor for potential impacts on low-income and minority populations in the transportation planning process, as required by Environmental Justice provisions under Title VI.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to participants' participation level and composition in public information settings. Also, reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations to investigate the possible benefits and determinants of transportation plans for these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

## **Title VI Related Training**

The Village of Los Lunas Title VI Coordinator shall ensure that staff are trained and familiar with the Village of Los Lunas-related policies and procedures.

## **Limited English Proficiency (LEP) Plan**

According to the U.S. Census Bureau (2023, Population Estimates Program), the State of New Mexico has a population of 2,114,371, including 19,079 residents in the Village of Los Lunas.

Additionally, based on the U.S. Census Bureau's 2023 American Community Survey 5-Year Estimates, approximately 31.7% (637,588) of individuals over the age of five in New Mexico speak a language other than

English at home. In the Village of Los Lunas, that percentage is 21.5% (3,579 individuals), with 81% of those individuals identifying as Spanish speakers.

Of those in Los Lunas who speak a language other than English at home, 269 individuals reported speaking English "not well" or "not at all."

## Authority and Guidance

- Title VI of the Civil Rights Act of 1964
- 1987 Civil Rights Restoration Act
- Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency*. On March 1, 2025, President Trump issued Executive Order 14224 – *Designating English as the Official Language of the United States*. This order directed the Attorney General to rescind any policy guidance previously issued under Executive Order 13166. In the absence of a single, consolidated federal guidance document replacing EO 13166, the Village of Los Lunas refers to current agency-specific language access guidance issued by federal agencies, including:
  - U.S. Department of Justice (DOJ)
  - Department of Health and Human Services (HHS)
  - Department of Transportation (DOT)
  - Equal Employment Opportunity Commission (EEOC)

Federal publications providing implementing guidance:

- United States Department of Justice Guidance, Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000
- The United States Department of Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency Persons, Federal Register/Vol. 70, No. 239, December 2005

## Four Factor Analysis

LEP individuals should have access to funded services, programs, and activities of recipients of federal or state funds. Access should include providing language assistance at no cost to the LEP individual(s). The following four factors cover a flexible and data-driven analysis to assess the need for language assistance:

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which individuals come in contact with the program, activity, or service.
3. The nature and importance of the program, activity, or service.
4. The resources available to the recipient and cost.

The four-factor analysis identifies the mix of LEP services required. There are two main ways to provide language services:

1. Oral interpretation can range from on-site interpreters for critical services to telephonic interpretation services.
2. Written translation can range from translating an entire document to translating a short description or summary of the document.

Any initiative or action to provide access to LEP persons should be based on what is necessary and reasonable as a result of the four-factor analysis. Each of the following factors is examined to determine the level and extent of language assistance measures required to ensure access to public services within the Village sufficiently.

**1. Factor 1**

The number or proportion of LEP persons served or encountered in the eligible service population.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) "very well," (2) "well," (3) "not well," and (4) "not at all."

For planning purposes, we consider individuals who speak English "not well" or "not at all" as LEP. The census figures above indicate that over 1.4% of the Village of Los Lunas population speaks English "not well" or "not at all." People throughout Valencia County also access services within the Village, where the population who speaks English "not well" or "not at all" is 2.9%.

All programs and projects must consider the number and percentage of people with limited English language skills within the planning area for access to public involvement and public engagement meetings.

An assessment will be conducted for each program, project, service, or activity to determine the number of LEP, minority, and low-income populations to ensure public involvement. The Village of Los Lunas Public Involvement Plan will be followed to ensure all groups have notification and access.

**2. Factor 2**

The frequency with which individuals come in contact with the program, activity, or service.

The program and project must be evaluated according to the number of persons within the program/project area and the number of times they have frequented the program or activity. A sign-in sheet or survey must be utilized for public meetings to determine the demographic and frequency of participation. Planners and project managers must notify LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have a potential impact on LEP persons include, but are not limited to:

- Public involvement and public engagement meetings/hearings for construction projects affecting LEP communities or individuals
- Transportation maintenance workers
- Transit facilities
- Requests for permits
- Real estate transactions/condemnation
- Requests for certifications or licenses
- Phone

**3. Factor 3**

The nature and importance of the program, activity, or service.

The Village of Los Lunas owns most of the local transportation infrastructure, including roadways (with the exception of Hwy 6 [Main St.], Hwy 47, and Hwy 314, which are owned and operated by the New

Mexico Department of Transportation [NMDOT]), trails, and other pedestrian and bicycle facilities. The Village also owns a transit facility that supports rail and bus services operated by Rio Metro.

As a direct recipient of federal funding, Rio Metro is responsible for ensuring that its bus and rail services are accessible and responsive to the needs of Limited English Proficient (LEP) populations. Meanwhile, the Village is responsible for ensuring that LEP individuals can access information about routes, schedules, and services related to its facilities and infrastructure.

Additionally, the Village uses the transit facility to share information about its activities, meetings, and projects. These announcements will also be made accessible to LEP individuals.

#### **4. Factor 4**

The resources available to the recipient and cost.

The Village of Los Lunas is a small municipality with limited funding that serves approximately 19,079 residents. However, Los Lunas is also the county seat of Valencia County and has always strived to provide exceptional services and set an example for other communities. The Village has funding to provide notices, summaries, and other written information for the LEP population that it serves. Village staff members may also provide interpretation services by phone or in person.

### **Providing Language Assistance**

Any language assistance provided must be free of charge to the public.

- Several options for providing language assistance include:
- Multilingual staffing.
- Telephone interpretation services.
- Volunteer interpreter(s) from community minority organizations.
- Qualified third-party interpreters.
- Post LEP information signs in specified high-volume public areas.
- Translation or translated summary of vital documents.

LEP persons may receive oral language interpretive services either in person (at public service locations or at public information meetings) or via telephone. Language assistance may be provided by multilingual staffing, a third-party interpreter, or a telephone interpreter service.

### **Provide Notice to LEP Persons**

To inform the LEP population of service, programs and activities and that language assistance is available, any of the following notification initiatives could be implemented:

- Posting language assistance signs in areas where the public is likely to view them.
- Including information about the availability of language services in outreach materials such as pamphlets, brochures and flyers.
- Working with community-based organizations to inform LEP persons of the availability of language assistance.
- Announcements and notices at schools and religious organizations for important community involvement events and the availability of language services.

## Title VI Coordinator Responsibilities

The Title VI Coordinator has the following responsibilities as related to LEP requirements:

- Monitor compliance of Village of Los Lunas LEP responsibilities.
- Provide technical assistance and guidance to Village of Los Lunas staff as needed regarding LEP responsibilities.
- Coordinate the implementation of the LEP Plan.
- Provide training to appropriate staff of the LEP Plan.
- Report LEP statistical information.
- Provide assistance and guidance relating to LEP requirements to staff.

## Monitoring and Updating the LEP Plan

The Title VI Coordinator shall periodically review and update the LEP Plan. In addition, the Title VI Coordinator shall monitor the demographics of New Mexico, specifically the areas where the Village of Los Lunas programs, services, and activities have the most presence. The LEP Plan shall be updated accordingly to any changes in LEP demographics. Also, the Title VI Coordinator shall, as much as possible, incorporate public feedback in the evaluation and updating of the LEP Plan.

## External Communication

The Village of Los Lunas provides information to members of the public detailing its Title VI obligation and notifying members of the public of the protections against discrimination afforded to them by Title VI requirements, including:

- Information Dissemination: The Village of Los Lunas provides information on its Title VI requirements through accessible printed and electronic media, including postings on its website.
- Contents of the Notification: The notification shall include the following:
  - A statement that the Village operates Federal programs without regard to race, color, national origin, age, or disability.
  - Identify procedures to be followed by members of the public to request information regarding the Village's Title VI obligation.
  - Identify procedures for members of the public to follow when filing a discrimination complaint against the Village of Los Lunas.

\*\*Continued on Next Page for Clarity\*\*

## **Data Collection**

The Village of Los Lunas uses the following procedures to collect and analyze data on the race, color, national origin, and gender of participants and beneficiaries in its programs and activities.

<b>Program Area</b>	<b>Type of Data and Collection Process</b>	<b>Purpose</b>
Planning	U.S. Census data on low-income and minority figures; self-reporting during public participation	Ensure outreach and participation of low-income and minority populations in the planning process
Right-of-way	Collection of data on relocates regarding race, color, national origin, and gender	Maintain data on affected participants for Title VI reporting as well as prevention of discrimination
Environmental	U.S. Census data on low-income and minority figures	Ensure outreach and participation of low-income and minority populations in during the environmental review process and for Title VI reporting
Engineering	U.S. Census data on low-income and minority figures; self-reporting during public participation	Ensure outreach and participation of low-income and minority populations in during the design and construction process and for Title VI reporting

\*\*Continued on Next Page for Clarity\*\*

## **Notice of Rights**

The following notice is posted in accessible public places throughout the Village of Los Lunas and on the Village's website.

### **TITLE VI NOTICE TO BENEFICIARIES: YOUR RIGHTS AGAINST DISCRIMINATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The Village of Los Lunas operates its programs and services without regard to race, color, national origin, sex, age, and disability pursuant to Title VI of the Civil Rights Act. Any person who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any Village of Los Lunas program or activity because of their race, color, national origin, sex, or disability may file a discrimination complaint with the Village of Los Lunas or the New Mexico Department of Transportation (NMDOT).

For more information on the Village of Los Lunas civil rights program and the procedures for filing a complaint, contact (505) 352-3840, go online at [www.loslunasnm.gov](http://www.loslunasnm.gov), or visit our administrative office at 660 Main Street NW, Los Lunas, NM 87031.

A complainant may file a complaint directly with the New Mexico Department of Transportation, Construction and Civil Rights Bureau, 1570 Pacheco St., Building A10, Santa Fe, NM 87505, or by calling (505) 629-9890.

If information is needed in another language, contact (505) 352-3840.

Si se necesita información en otro idioma, hable al (505) 352-3840.

## Appendix A

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

1. **Compliance with Regulations:** The contractor (hereinafter including consultants) will comply with the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the "Regulation"), which are herein incorporated by reference and made part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiations 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 Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, 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 New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Village of Los Lunas or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Village of Los Lunas will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. Canceling, terminating, or suspending the 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 shall take such action with respect to any subcontract or procurement as the Village of Los Lunas or the Federal Highway Administration may direct as 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 Village of Los Lunas to enter into any litigation to protect the interests of the Village of Los Lunas. In addition, the contractor may request the United States to enter into litigation to protect the interests of the United States.

## **Appendix B**

### **Covenant Running with the Land Assurance**

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the conditions that the Village of Los Lunas 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 Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands as described in Exhibit A attached hereto and made a part hereof.

#### **(Habendum Clause)**

TO HAVE AND TO HOLD said lands and interests therein unto the Village of Los Lunas 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 Village of Los Lunas, its successors and assigns.

The Village of Los Lunas, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed[,] [and]\*

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

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.)

## **Appendix C**

### **Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program**

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Village of Los Lunas, pursuant to the provisions of Assurance 7(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:

In the event, facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Village of Los Lunas 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.\*

With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Village of Los Lunas 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 Village of Los Lunas and its assignees.\*

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

## **Appendix D**

### **Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be 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 furnishings of services thereon, no person on the grounds of race, color, or national origin, will 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 Non-discrimination covenants, the Village of Los Lunas 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 the deeds, in the event of breach of any of the above Nondiscrimination covenants, the Village of Los Lunas will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.\*

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

## **Appendix E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq. 78 stat. 252), (prohibits discrimination on the basis of race, color, and national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 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.) as amended, (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209, (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age of Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 - 12189) as implemented by Department of Transportation regulations at 49
- C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- 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 access to your program (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 (U.S.C. 1681 et seq.)