TITLE VI
PROGRAM

VILLAGE OF LOS LUNAS

LOS LUNAS, NM

DECEMBER 2016

RESOLUTION NO. 16-38

A RESOLUTION OF THE VILLAGE OF LOS LUNAS, NEW MEXICO, ADOPTING THE 2016 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 Transportation Funding; and,

WHEREAS, the Village of Los Lunas, New Mexico assures that no person shall on the grounds of race, color, or national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Village of Los Lunas program, activity or service.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Village of Los Lunas, New Mexico, that:

That the Village of Los Lunas adopts the 2016 Title VI Program for the Village of Los Lunas.

PASSED, APPROVED AND ADPOTED this 1st day of December, 2016.

Charles Griego, Mayor

ATTEST:

Gregory D. Martin, Village Administrator

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I. 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, or national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity 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 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 assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Populations. In addition, the Village of Los Lunas also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal Financial Assistance and Recipients Affected

Federal financial assistance is defined as any Federal dollars that are 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 which 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. § 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 Program 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).

II. 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, 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 cites hereinafter are referred to 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 the 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. 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 the right to space in, 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 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 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 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 compliant 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 **Dated:** 12/5/2016

Gregory D. Martin, Village Administrator

III. Public Participation Plan (PPP)

Securing Diverse Public Input

The Village of Los Lunas serves a population of 15,336 people and has a municipal area of approximately 20 square miles. The Village actively seeks 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.

A. Public Meetings

All Public meetings will be held in convenient and accessible locations and facilities
Meeting material will be available in a variety of formats upon previous request.
A variety of advertising means will be used to inform the media of public meetings.
Assistance to persons with disabilities will be available upon previous request.

B. Public Involvement Process

The main objectives are to:
1. 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
2. Inform and educate citizens and other interested parties about ongoing Village of Los Lunas planning activities, and their potential role in those activities.
3. Work with other local and state organizations that have similar goals and requirements.
4. Study other municipalities that have been successful in Public Participation Efforts.

Experience has shown difficulty in reaching a large span of the population and keeping them involved. Federal and State regulations require us to provide the public with information and to reach out and include traditionally under-served populations. This document has been prepared to serve that purpose.

Outreach Tools

A. General Public Relations

General public relations may be defined as any action that might reach any citizen, whether or not that citizen has specific interest or knowledge regarding transportation planning. This group of

techniques includes the followings: 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 act as general public relations.
These techniques are ways to keep the general public aware of the presence of the planning organization and the status of specific projects so that they may develop an interest and choose to become better informed or actively involved.

B. Events

There are a broad 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.

Special Events are 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.

Surveys are an efficient method of gathering input from a large number of people at an early stage of the planning process. This is particularly useful 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 at public places. A labor intensive activity, implementation of survey might be aided by volunteers.

Public Hearings are usually held when an agency has completed a plan and needs to present it for public review before moving forward with the plan. As with all of these tools, care must be taken to ensure that the public is made fully aware of the event well in advance, and that the goals and values of the plan are clearly stated.

Community Meetings are held to discuss programs and activities within the community, and the public is engaged to discuss their needs in general.

C. 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 take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people such as local clubs, property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in a given process. This is the most labor intensive and potentially most fruitful way to create a diverse and active public participation process.

Plan Monitoring and Evaluation

Evaluation of the success of any public involvement efforts must be result-oriented. It is never safe to assume that just because people don't come to an event that they are uninterested in the project. 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.

Tracking Efforts and Success

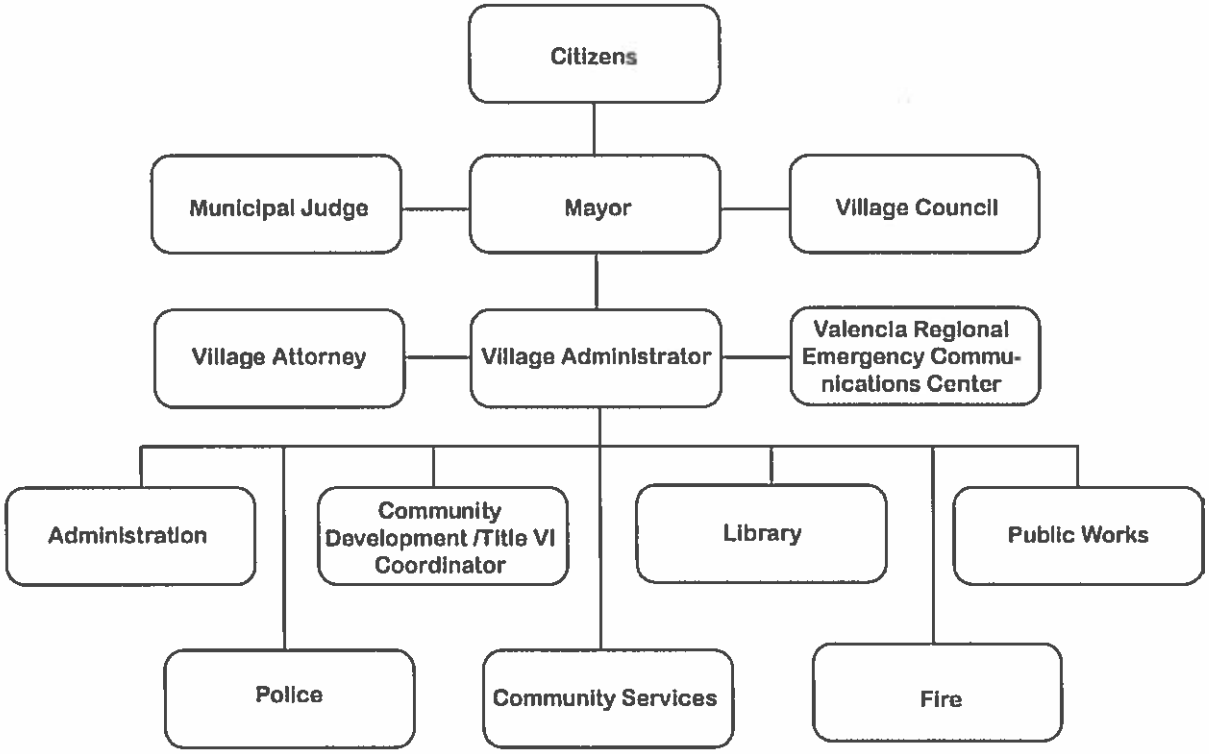
In order to track our public participation efforts, it is necessary that the individuals involved record their efforts.

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

IV. Organization/Staff Responsibilities

Organizational Overview

The Village of Los Lunas is an incorporated municipality with an elected council of four members and a mayor. Serving the mayor and council is the Village Administrator who oversees all Village operations. The Village is composed of eight departments: Administration, Community Development, Community Services, Library, Public Works, Fire, Police, and Municipal Court. The Community Development Director also serves as the Title VI Coordinator for the Village.



TitleVI Coordinator Responsibilities

The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all entities of the Village of Los Lunas are compliant 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 report to NMDOT on a periodic basis;
- Developing procedures for the collection and analysis of statistical data;

- Developing a program to conduct Title VI reviews or program areas;
- Conducting annual assessments of identifies 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.

V. 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 is also used to summarize and highlight efforts to each program area for conducting outreach and providing better access to Caltrans' programs.

Planning

Planning and Program Development

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

Title VI Responsibilities

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented 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 equal participation on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and to furnish information on membership make up (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 program participation regarding race, color and national origin.

Right-of-Way

Acquisition Process

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

Title VI Responsibilities

Ensure equal opportunity for disadvantaged business's 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 services of real estate 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 within the real estate acquisition process.
- 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 inclusion 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 assistance is given to all displaced persons and entities by the property acquisition process.
- 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 for completion of Villages's Annual Title VI Update Report including awards to minority and female appraisers.

Environmental Services

Consultant Contracts Administration

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

Consultant Selection Process

Utilizing the request for proposal and competitive bidding processes, the Village selects the appropriate contractors and vendors for the project. Title VI nondiscrimination provisions will be incorporated into all written contracts and materials in this process.

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.

Environmental Justice Outreach

Public Involvement in the area of Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers and providing information at gathering places such as the library and recreation facilities. Create notices that attract attention and are in layman's terms.
- Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.
- When necessary, translate documents, notices and hearings for limited English-speaking populations.
- Obtaining 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 evidence to support conclusions regarding Environmental Justice issues. Detail all efforts taken to identify minority or low-income populations affected by transportation planning activities.

Limited English Proficiency Strategies

Strategies to provide meaningful access to 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 provided as a guideline from 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 outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment for the impacted area to 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 for 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 to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.

- Providing translation services for public documents and competent interpreters at public hearings as needed.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and other media that serves the general population.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

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 to the public 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 time and location for public meetings or hearings is accessible.
- Maintain mechanisms to identify population affected by a project.
- Ensure 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

Engineering Services

The Village, through the Village's 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 local newspapers and selection of accessible location and time for public hearings or meetings.

Design Process

Economic, social, topographic, and environmental impacts of a proposed project are key factors weighed in the location consideration. Special efforts in the area of Environmental Justice 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 selection of accessible location and time for public hearings or meetings.

Construction Engineering

This service includes the designing, planning, construction, and management of 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 selection of accessible location and time for public hearings or meetings.

Construction Process

This process involves new construction and maintaining Village roads and other transportation infrastructure by using the resources of contractors, equipment, and materials in the most economic way. 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 local newspapers and selection of accessible location and time for public hearings or meetings.

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 inclusion of Title VI language and provisions.

VI. 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 12898
- Executive Order 13166

Any person believing he or she has 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 assress:

Attn: Title VI Coordinator
Community Development Department
Village of Los Lunas
PO Box 1209
Los Lunas, NM 87031

The complaint should include the same, address, phone number and signature of 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 within the 180 day period of the alleged discriminatory act (or latest occurrence).

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

Title VI Complaints may be forwarded to either the New Mexico Department of Transportation of the Federal Highway Administration. If the complaint is forwarded to one if these agencies, the Village of Los Lunas will provide the name and contact information for 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., Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
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. Additionally the Title VI Coordinator will forward a copy of the complaint to the Village of Los Lunas Attorney for review.

An investigation by the Title VI Coordinator or an otherwise qualified investigator will be initiated within 15 working days of receipt of the complaint.

The complainant should submit any documentation he/she perceives as relevant to proving his/her complaint.

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

The Title VI Coordinator or qualified investigator will determine, based on relevancy or duplication of evidence, 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 NOMDOT 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 time period allowed, the respondent will be found to be in noncompliance with Title VI and implementing rules and regulations, and a referral will be made to the Village of Los Lunas for further action in regard to noncompliance.

The complainant and respondent shall be notified of all appeal rights pursuant to 49 CFR 21.

VILLAGE OF LOS LUNAS TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):		Telephone (Work):		
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	

Section II:		
Are you filing this complaint on your own behalf?	[ ] Yes*	[ ] 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.	[ ] Yes	[ ] No

Section III:

I believe the discrimination I experienced was based on (check all that apply):

[ ] Race [ ] Color [ ] National Origin

Date of Alleged Discrimination (Month, Day, Year): _____

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) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Section IV		
Have you previously filed a Title VI complaint?	[ ] Yes	[ ] 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: [ ] Federal Court [ ] State Agency [ ] State Court [ ] Local Agency
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 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 the address below, or mail this form to:
Village of Los Lunas Title VI Coordinator
Community Development Department
660 Main St. NW (in person)
PO Box 1209 (by mail)
Los Lunas, NM 87031

VII. Title VI Program Management Procedures

The Village of Los Lunas is a growing community of approximately 15,336 residents. As an organization, the Village is responsible for services the needs of all residents including the planning and provision of 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) for the funding of capital projects, including transportation facilities. Both of these documents are developed through a public participation process that includes public hearings. The Village's public participation plan outlines procedures for inclusion 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:

- The transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- 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 organizational membership attempts to reflect the makeup of the population served. This would include 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 planning of transportation project.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants 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 in order to investigate the possible benefits and determinants of transportation plans on 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.

VIII. Title VI Related Training

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

IX. Limited English Proficiency (LEP) Plan

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who may have limited ability to read, write or understand English.

According to the US Census Bureau State and County Quickfacts for 2015 New Mexico's population is 2,085,109 of which 15,336 reside in the Village of Los Lunas. Also, according to the US Census Bureau 2008-2012 American Community Survey, approximately 36% of New Mexicans over 5 years of age speak a language other than English at home. In addition, 10% of the state's population identifies themselves as speaking English less than "well". The Census data shows that 29% of the population of Los Lunas over 5 years of age speak a language other than English at home with only 4.6% claiming to speak English less than well.

Of the population of Los Lunas that speak a language other than English at home, 88% speak Spanish.

Authority and Guidance

- Title VI of the Civil Rights Act of 1964
- Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency*
- 1987 Civil Rights Restoration Act

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.
- 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 meaningful access to state funded services, programs and activities of recipients of federal or state funds. Access should include having language assistance provided at no cost to the LEP individual(s). A flexible and data driven analysis to assess the need for language assistance is covered by the following four factors:

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. These are two main ways to provide language services: oral interpretation and written translation. Oral interpretation can range from on-site interpreters for critical services to telephonic interpretation services. Written translation can range from translation of an entire document to a translation of a short description or summary of the document.

Any initiative or action to provide meaningful 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 sufficiently ensure meaningful access to public services within the Village.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a Village program, service or activity.

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 are considering individuals who speak English 'not well' or 'not at all' as Limited English Proficient, or LEP. The census figures above indicate that over 4.5% of the Village of Los Lunas population do not speak English well or at all. Services within the Village are also accessed by people throughout Valencia County where the population who speak English less than well is closer to the state average of 10%.

All programs/projects must consider the number and percent of persons in regards to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

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

Factor 2: The frequency with which LEP persons come in contact with a Village program, activity or service.

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have frequented the

program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to 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 potential impact for LEP persons include, but are not limited to:

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

Factor 3: The Nature and Importance of the Program, Activity, or Service by the Village of Los Lunas to the LEP population.

The Village of Los Lunas owns transportation infrastructure composed of roadways, trails, and other pedestrian and/or bicycle facilities as well as a transit facility that supports rail and bus services that are operated by another agency, Rio Metro. As a direct recipient, Rio Metro is responsible for ensuring that bus and rail services that they provide are responsive to the LEP population. As owners of a transportation infrastructure and a transit facility, the Village is responsible for ensuring that any LEP person using the facilities and infrastructure has access to information on routes, times and other facility services. The transit facility is also used to disseminate information on Village activities, meetings and projects and these announcements will be accessible to LEP persons.

Factor 4: The Resources Available to the Village of Los Lunas and Overall Cost to provide LEP assistance.

The Village of Los Lunas is a small municipality, serving approximately 15,336 residents, with limited funding. 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 in the County. The Village has funding to provide notices, summaries and other written information in Spanish for the LEP population that it serves. There are also Village staff members that provide interpretation services by phone or in person as needed.

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 contact. Language assistance may be provided by multilingual staffing, a third party interpreter, or via a telephone interpreter service.

Provide Notice to LEP Persons

In order 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 language assistance availability;
- Announcement 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, as needed, technical assistance and guidance to Village of Los Lunas staff as related to 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 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 and specifically 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 the LEP Plan.

X. 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:

- Dissemination of Information: The Village of Los Lunas provides information on its Title VI requirements through accessible printed and electronic media, including posting on the Village's website.
- Contents of the Notification: At a minimum, the notification shall include the following:
    - 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 to be followed by members of the public to file a discrimination complaint against the Village of Los Lunas.

XI. Data Collection

The Village of Los Lunas uses the following procedures for collection and analysis of data on the race, color, national origin, and gender of participants and beneficiaries of the Village's programs and activities.

Program Area	Type of Data and Collection Process	Purpose
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

XII. Notice of Rights

The following notice is posted in accessible public places throughout the Village of Los Lunas as well as 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 in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has 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.

For more information on the Village of Los Lunas's civil rights program and the procedures to file a complaint, contact (505) 352-7626; go online at 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. Suite A10, Santa Fe, NM 87505; or by calling (505) 629-9890.

If information is needed in another language, contact (505) 352-7626.

Si se necesita información en otro idioma, llame al (505) 352-7626.

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 includes consultants) will comply with the Regulations relative to Non-discrimination 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. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either 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 Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish 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 non-compliance 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. Cancelling, 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 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 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 State of New Mexico 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 State of New Mexico 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 State of New Mexico, its successors and assigns.

The State of New Mexico, 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 State of New Mexico 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 State of New Mexico, pursuant to the provisions fo 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 leased add "as a covenant running with the land"] that:
   1. 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.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico 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 State of New Mexico 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 State of New Mexico and its assignes.*

(*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 if 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 State of New Mexico 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 Non-discrimination covenants, the State of New Mexico 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 if 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 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 displaces 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 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 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 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.)