

2022



pennsylvania
DEPARTMENT OF TRANSPORTATION

Driver and Vehicle Services Title VI Program Policy Compliance Plan

Table of Contents

Introduction3

Title VI Program Policy Statement.....4

DVS Title VI Program Compliance Plan Coordination 6

Notification to Beneficiaries and Participants 6

Title VI Program Public Notice..... 7

**Driver License Centers, Riverfront Office Center (ROC) Counter Area and PennDOT
Photo License Centers8**

Policy and Document Reviews8

Sub-recipient Compliance Report8

Title VI Program Training8

Other Relevant Training9

Limited English Proficiency (LEP) 10

Driver’s Manual and Driver’s License Testing..... 11

Access to Records..... 11

Complaint Log 12

Discrimination Prohibited 12

Discrimination Complaint Procedures 13

Complaint Disposition Process..... 14

Filing a Complaint..... 15

Third Party Complaints 16

Department Initiated Investigations 17

Approaches to Complaint Resolution 17

Finding of Non-compliance/Compliance 17

Contractor Oversight 18

Status of Corrective Actions 19

Community Participation Process 19

Description of Federal-Aid Programs 21

CMV Inspection Selection & Unbiased Enforcement Policies..... 27

U.S. DOT Standard Title VI Non-Discrimination Assurance 28

Appendix A 32

Appendix B 34

Appendix C 35

Appendix D 36

Appendix E 37

Sample Discrimination Complaint Form 38

Over-the-Phone Interpretation Tools 39

Introduction

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

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

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

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



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

OFFICE OF
SECRETARY OF TRANSPORTATION

Non-Discrimination Policy Statement

It is the policy of the Pennsylvania Department of Transportation (Department), in accordance with Title VI of the Civil Rights Act of 1964, related Nondiscrimination authorities, and the Assurances set forth in the Department's Title VI Compliance and Implementation Plan to ensure that "no person in the Commonwealth of Pennsylvania shall, on the basis of race, color, national origin, sex, creed, age, disability, low-income, or limited English proficiency (LEP); be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity" for which the Department receives Federal financial assistance. Furthermore, it shall be the policy of the Department to ensure that as a recipient of Federal-aid funding, it will ensure nondiscrimination in all its programs and activities. The Department is steadfast in its commitment to nondiscrimination.

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

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

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

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

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

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



Yasmin Gramian
Secretary of Transportation

2/2/2022

Date

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

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

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

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

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

Notification to beneficiaries and participants

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

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

PUBLIC NOTICE of TITLE VI POLICY

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

Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Department. Any such complaint must be in writing and filed with the Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. A Title VI Discrimination Complaint Form can be obtained from the Bureau of Equal Opportunity by dialing (717) 787-5891 or by linking to [PA DOT Discrimination Complaint Form](#).

If you speak another language, language assistance is available by calling (717) 787-5891 (TTY: 711).

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

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

Policy and Document Reviews

In addition to reviewing documents and plans directly associated with the Title VI Program, the Title VI Program Specialist reviews Department publications and forms through the Department's Clearance Transmittal process and Forms Review process. These processes are designed to allow specialists throughout the Department to review policies and documents for regulatory compliance. The Bureau of Equal Opportunity is in Step 1 (internal) for both processes and will maintain a log of the reviewed documents. The Specialist, Coordinators and Representatives also review samples of internal communications, policies, and employee guidance statements. This is done to ensure that no policy, practice, form, or publication proposed by the Department or its subrecipients have a disparate impact on any group of people based on their race, color, national origin, limited English proficiency or low-income status.

Subrecipient compliance reports

DVS does not currently disburse FMCSA funds to subrecipients.

Title VI Program training

The DVS Title VI Program Coordinators, Representatives and Specialists are responsible for implementing a Title VI Program training for all DVS personnel and contractors performing functions on behalf of the Department. Training content and delivery are provided to all of PennDOT by the Bureau of Equal Opportunity via web-based training methods.

Other relevant training

Cross Cultural Diversity and Communication - This training course includes information on how culture and diversity can affect communication with internal customers and external customers. It also includes strategies for effective communication and provides information on translation services, which provides interpretation and translation services in more than 200 languages. The training is built to provide understanding, acceptance, and respecting different cultural backgrounds, to become better communicators with colleagues and customers. This web-based training is mandatory for all Driver and Vehicle Services employees.

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

Bridging Better Communications – This course provides for employee interaction wherein strategies are discussed to help employees interact with their internal and external customers. Topics include how to greet a customer, non- verbal communication, strategies to assist customers with disabilities and use of the language interpreter service to assist in the communication process when needed.

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

Limited English Proficiency (LEP)

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

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

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

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

<http://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20478A.pdf>

This plan is also available as translatable content using PennDOT's web-based translation feature.

<https://www.penndot.gov/about-us/EqualEmployment/Pages/Limited-English-Proficiency.aspx>

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

The Pennsylvania Driver's Manual is available online in PDF formats in English and in 17 additional languages.

<https://www.dmv.pa.gov/Driver-Services/Driver-Licensing/Pages/Drivers-License.aspx>

The manual is also available as translatable web content using PennDOT's web translation feature.

<https://www.dmv.pa.gov/Driver-Services/Driver-Licensing/Driver-Manual/Pages/default.aspx>

To obtain a Pennsylvania driver's license, a person takes a knowledge exam and a road skills test. DVS offers the knowledge exam in 18 languages and administers the road skills test in English. LEP customers whose requested language is not already available in the pre-existing languages applied to the test, may request an accommodation.

Prior to a road test, a DVS employee administers a pre-check to determine (1) whether the customer can sufficiently understand given directions to safely operate a motor vehicle and (2) whether the motor vehicle is in working order. LEP customers can request the accommodation of having an interpreter present during the pre-check portion of the test to help translate the Examiners hand signals prior to the road skills test and provide Examiner feed-back after the test has been completed. LEP customers requesting the road test in another language will be accommodated on a case-by-case basis.

Access to Records

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

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

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

These records are confidential and PennDOT will maintain and retain files as required by the Pennsylvania record retention schedules and in accordance with Federal guidelines.

Complaint Log

(Sample Log)

Date	Name	Allegation	Relevant Class (e.g., race, color, national origin)	Investigation Report Date	Final Determination & Date	Notes
-------------	-------------	-------------------	--	----------------------------------	---------------------------------------	--------------

A log of all complaints along with their outcomes is maintained by the Title VI Program Specialist in the Bureau of Equal Opportunity. This log will be provided upon request to FMCSA for review.

Discrimination Prohibited

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

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

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

Discrimination Complaint Procedures

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

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

legal office and the responsible agency official, to investigate the allegations and to engage in an interactive process to work to resolve accommodation requests and complaints informally.

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

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

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

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

Complaint Disposition Process

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

Filing a Complaint

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

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

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

The complaint will include:

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

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

Pennsylvania Driver and Vehicle Services Title VI Program Coordinator

4th Floor, Bureau of Support Services

1101 South Front Street

Harrisburg, Pennsylvania 17104

Or

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

Alternatively, complaints may be submitted electronically to RA-pennndoteoreports@pa.gov. Complaints made by phone should call 717-787-5891. Fax complaints may be submitted to 717-772-4026. Complaints received by DVS offices and the Department's contracting agents shall notify BEO within two (2) days of receipt for processing consistent with these procedures.

Third-Party Complaints

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

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

Department Initiated Investigations

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

Approaches to Complaint Resolution

In order to efficiently and effectively meet the needs of complainants', the DVS staff will engage in an interactive process to work to resolve issues raised in a complaint of discrimination informally, when possible. When not resolved informally, an investigation will continue through a fact-finding process and requests for information.

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

Findings of Non-Compliance/Compliance

In the event the Bureau of Equal Opportunity or appropriate DOT operating administration concludes there is non-compliance with the laws/regulations as alleged, the Department will outline the recommendations for corrective action in writing to the respondent. The respondent will be provided adequate time to comply with the recommendations.

Contractor Oversight

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

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

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

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

Status of Corrective Actions

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

Community Participation Process

In order to comply with federal and Commonwealth civil rights statutes and authorities, DVS has developed procedures for engaging with the public

when increasing or decreasing the number of public facilities and/or when making changes to services provided. These procedures are articulated in greater detail in PennDOT's publication Every Voice Counts, Environmental Justice Moving Forward, which can be found using the following link:

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

PennDOT's commitment to inform and work with the public are further articulated in the Department's Public Participation Plan (2020). This Plan is currently available on PennDOT's website as a PDF file and as translatable web content, which can be found using the following links:

<http://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20823.pdf>

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

The next stage involves customized public outreach through the use of press releases, advertisements in local newspapers, posters and digital billboards at DVS locations, local billboards, radio, and television announcements through local media outlets, on the DVS webpage and through the use of social media. Public communications can be made available through the accommodation request process. All web-based communications are translatable using the Department's web translation feature. These communications also include notifications to the public regarding non-discrimination protections provided under the DVS Title VI Program. In the event DVS staff identify the need for more intensive outreach based on demographic analysis or customer and Stakeholder concerns, public meetings will be scheduled in ADA accessible locations on public transit routes.

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

The most notable example of this activity during the past two program years has been with the implementation of the Real ID program and the

Department's response to the Covid-19 Pandemic.

As the Real ID program was implemented Commonwealth-wide, DVS employed a variety of public communication mechanisms to inform the public of the changes to the Commonwealth's Driver's License policy and the federal requirements for Real ID, such as the need to present personal documentation not previously required to retain a Pennsylvania Driver's license or identification card.

Covid-19 presented unique challenges to providing in-person services therefore many services provided to the public were moved to on-line and virtual applications and processing. The Department used press conferences to communicate these changes to the public along with on-line instruction.

Description of Federal-Aid Programs

DVS applied in 2021 for federal assistance under the grant programs described below and will update this plan with the appropriate descriptions upon seeking additional assistance.

FY2021 CDL Program Improvement Grant FM-CDL- 0469 -21-01-00

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

- Project 1. Decoupling Hazmat Endorsement Certification from Commercial Driver's License (CDL)

The Pennsylvania Department of Transportation (PennDOT) sought Federal grant funding for the decoupling of the Hazardous Material Endorsement (HME) Security Threat Assessment Certification from the Commercial Driver License (CDL) in Pennsylvania. Under 49 CFR § 1572 and Under 49 CFR § 383, a Federal Security Threat assessment is required for all individuals who apply for, renew, or transfer a Hazardous Materials Endorsement (HME) on their commercial driver's license (CDL).

Today in PennDOT's system, the expiration of the HME Security Threat Assessment Certification is coupled to the expiration of a standard CDL driving product which has a validity period of four years. This has become problematic for a customer who opts into REAL ID. At the time a customer opts into REAL ID, depending on the product expiration at time of opt-in, their product could receive a product expiration date that extends more than four years and can have a maximum validity of eight years, which would no longer match the HME Security Threat Assessment Certification expiration. Additionally, the decoupling of the HME Security Threat Assessment Certification from the CDL product will allow customers the full benefit of the five years that an HME Security Threat Assessment Certification is valid. This will also enhance and benefit those customers transferring a CDL from another jurisdiction with a Hazmat Endorsement and valid threat assessment into Pennsylvania.

- Project 2. PennDOT CDL Training and Testing Course

The Pennsylvania Department of Transportation (PennDOT) sought Federal grant funding to provide one (1) training and testing course for Department staff. The CDL Training and Testing Course will be provided

by a third-party vendor and cover commercial driver license (CDL) testing and training knowledge needed to ensure proper program oversight of all CDL testing in Pennsylvania. This training will be provided for one CDL Compliance Manager, one CDL Third-Party Program Manager, six Field Auditors (FA), one Driver Improvement and Evaluation Section Manager, and three Bureau of Driver Licensing (BDL) field employees, who conduct CDL testing. This training will be referred to as the CDL Training and Testing Course.

The CDL Compliance and Third-Party Program Managers are responsible for the training of all Third-Party Testers (TPT), Third-Party Examiners (TPE), and all Driver License CDL Examiners (DLE) from across the state. The CDL Compliance Manager oversees all six Field Auditors. The Field Auditors are responsible for auditing all TPT, TPE and DLE CDL testing across the Commonwealth and will provide assistance with hands-on knowledge checks before new examiners will be permitted to test on their own. The three BDL field employees will serve as CDL testing subject matter experts to assist the BDL in day-to-day CDL testing operations at the 27 state CDL testing facilities across the state.

This training will be critical in ensuring that all testing standards are being completed to all Federal Motor Carrier Safety Administration (FMCSA) regulations and standards found in 49 CFR 383.

- Project 3. Translation of Commercial Driver's License Manual into Multiple Languages

The Pennsylvania Department of Transportation (PennDOT) sought Federal grant funding to assist with the translation costs associated with translating the Commercial Driver's License (CDL) Manual into 16 additional languages (Arabic, Burmese, Chinese (Mandarin), French, Greek, Hindi, Italian, Japanese, Korean, Nepali, Polish, Russian, Somali, Ukrainian, Urdu, Vietnamese).

PennDOT currently has the Commercial Driver Manual available in English and Spanish.

PennDOT is committed to ensuring all individuals requesting services provided by the Department, including those with Limited English Proficiency, have meaningful access to services. PennDOT works to ensure that LEP individuals are not excluded from programs. PennDOT continues to evaluate its programs, services, and activities to ensure persons who may be of Limited English Proficiency (LEP) are always provided with meaningful access to PennDOT programs. PennDOT's LEP

Plan includes procedures aimed at identifying LEP persons and ensuring that they have equal access PennDOT services and activities.

FY2020 CDL Program Improvement Grant FM-CDL- 0424 -20-01-00

Driver and Vehicle Services, Bureau of Driver Licensing has a current DOT/FMCSA grant to improve the Commercial Driver's License (CDL) program. This grant is funding a total of one (1) project.

- Project 1. Medical Examiner's Certificate (Manual Processing)

The Pennsylvania Department of Transportation (PennDOT) sought Federal grant funding to assist with the staffing costs associated with the processing of Medical Examiner's Certificates for CDL holders who operate in Non-Excepted Intrastate and Non-Excepted Interstate commerce. 49 CFR 383.73 requires State Driver Licensing Agencies to post the Medical Examiner's Certificate to the CDL holder's CDLIS driver record with 10 days of receipt.

FY2020 CDL Program Improvement Grant FM-CDL- 0425 -20-01-00

Driver and Vehicle Services, Bureau of Driver Licensing has a current DOT/FMCSA grant to improve the Commercial Driver's License (CDL) program. This grant is funding a total of one (1) project.

- Project 1. Extend CDL Coordinator and CDL Data Quality (Consultant positions)

The Pennsylvania Department of Transportation (PennDOT) sought Federal funding to continue to fund the CDL Coordinator (FY2017 FMCSA Grant) and CDL Data Quality Consultant (FY2018 FMCSA Grant) and two Clerk 3 employees (FY2018 FMCSA Grant). The Clerk 3 positions work solely on Commercial Driver's License Information System (CDLIS) data quality issues. Both the CDL Coordinator and CDL Data Quality Consultant positions were hired through a vendor in the Fall of 2019 and the Clerk 3s were hired by PennDOT directly.

The CDL Coordinator position serves as the liaison between PennDOT and the Federal Motor Carrier Safety Administration (FMCSA). This position also works to ensure compliance with FMCSA rules and regulations, reviews and analyzes Notice of Proposed Rule Making (NPRMS) and identifies their impacts. This position also serves as the subject matter expert when working with business and technical resources to develop requirements necessary to implement new

processes and system enhancements as required by new FMCSA regulations. The CDL Coordinator also monitors and is involved in all day-to-day activities regarding the PA CDL program.

The Data Quality Consultant oversees the review, analysis, and resolution of potential, as well as the cleanup of existing, CDLIS problems identified in AAMVA and FMCSA reports.

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

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

- Project 1. Covert and Overt Audits

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

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

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

- Project 3. AMMVA Timeliness and Accuracy Reports

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

FY2017 CDL Program Improvement Grant (FM-CDL-0294-17-01-00)

The FY2017 FMCSA Grant is no longer active (the Grant period ended on 09-30-2021).

CMV Inspection Selection & Unbiased Enforcement Policies

PennDOT works with the Pennsylvania State Police who conduct these inspections on behalf of the Department. This section is not applicable to PennDOT as PennDOT does not conduct these enforcement activities.



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

OFFICE OF
SECRETARY OF TRANSPORTATION

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Commonwealth of Pennsylvania, Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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



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

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

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

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

*"The **Commonwealth of Pennsylvania, Department of Transportation**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Commonwealth of Pennsylvania, Department of Transportation, also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Commonwealth of Pennsylvania, Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on Commonwealth of Pennsylvania, Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Commonwealth of Pennsylvania, Department of Transportation

by  _____
Yassmin Gramian
Secretary of Transportation

DATED 2/2/2022

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Commonwealth of Pennsylvania, Department of Transportation, will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Commonwealth of Pennsylvania, Department of Transportation, all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Commonwealth of Pennsylvania, Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Commonwealth of Pennsylvania, Department of Transportation, its successors and assigns.

The Commonwealth of Pennsylvania, Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Commonwealth of Pennsylvania, Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

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

APPENDIX C

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Pennsylvania, Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Commonwealth of Pennsylvania, Department of Transportation and its assigns.*

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

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

APPENDIX D

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Pennsylvania, Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Pennsylvania, Department of Transportation will there upon revert to and vest in and become the absolute property of Commonwealth of Pennsylvania, Department of Transportation and its assigns.*

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

APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

**DISCRIMINATION COMPLAINT FORM**

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

Please submit this form to one of the following agencies:

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

* Indicates is specific to Title VI of the Civil Rights Act of 1964 **Indicates is specific to Americans with Disabilities Act of 1990

“One Moment Please” Tool

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

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