

# Title VI Compliance Review for Federal Transit Administration Funding Recipients

April 2005

**Recipient:**

Champaign Urbana Urbanized Area Transportation Study (CUUATS)  
A program of the Champaign County Regional Planning Commission,  
the Metropolitan Planning Organization (MPO) for the  
Champaign-Urbana-Savoy-Bondville Urbanized Area

**Contact:**

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## Background

UMTA Circular 4702.1 (1988) requires all MPOs to review Title VI practices for any funding received from the Federal Transit Administration (FTA). The Champaign Urbana Urbanized Area Transportation Study (CUUATS) is the transportation planning entity of the Champaign County Regional Planning Commission, which is the designated MPO for the Champaign-Urbana-Savoy-Bondville urbanized area. This MPO covers an area with a population of approximately 180,000, which permits limiting completion of the triennial Title VI review to the General Reporting Requirements found in UMTA Circular.

CUUATS is a recipient of Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) planning funds via the Illinois Department of Transportation (IDOT). These funds are used to complete MPO-related transportation planning processes such as the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), and the Unified Technical Work Program (UTWP). These funds are not used to construct or implement transit-related projects or programs.

The Champaign-Urbana Mass Transit District (CUMTD) is a CUUATS member agency. CUMTD completes its own Title VI review process for the FTA. References will be made to CUMTD initiatives in this Title VI review to ensure a complete review for all interested federal and state agencies.

## General Reporting Requirements

1. List of any active lawsuits or complaints naming the applicant that allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

**No lawsuits or complaints have been filed regarding CUUATS.**

2. Provide a description of all pending applications for financial assistance, and all financial assistance currently provided by other Federal agencies.

Pending applications for the CUMTD include:

- High capacity transit system funding through the TEA-21 reauthorization bill  
Current Status: TEA-21 reauthorization is in process
- Park & Ride Day Care Facility, applied for in March 2004 (\$240,000)  
Current Status: In discussion
- Security Cameras for the Intermodal Transportation Center (\$400,000)  
Current status: Federal assistance is available, but no application has been made for this project yet

Pending applications for CUUATS include:

- Curtis Road funding through the TEA-21 reauthorization bill on behalf of member agencies

Current Status: TEA-21 reauthorization is in process

Current federal financial assistance for CUMTD: CUMTD receives annual allocations from FTA through Section 5307 Urbanized Area Formula grants and Section 5309 Capital Investment grants

Current federal financial assistance for CUUATS: As the MPO, CUUATS receives annual transportation planning allocations from FTA and FHWA.

3. A summary of all civil rights compliance review activities conducted in the last 3 years

CUMTD is in the process of completing its Title VI compliance review for FTA.

CUMTD completed its most recent Triennial Review in May 2003. The review was performed by CDI/DCI, 745 Crevelings Lane, Cincinnati, OH. CUMTD was found to be in compliance with Title VI during this review (please see attached for a summary of their findings).

CUUATS has completed self-certifications for civil rights compliance in its annual Transportation Improvement Program (TIP).

4. A signed UMTA Civil Rights Assurance

Please see attached assurance.

5. A signed standard DOT Title VI Assurance

Please see attached assurance.

6. For construction projects, a fixed-facility impact analysis to assess the effects on minority communities

CUUATS does not construct projects. CUMTD currently has no construction projects underway.

**FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE**

The Champaign County Regional Planning Commission HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Champaign County Regional Planning Commission will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Champaign County Regional Planning Commission will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transportation Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

\_\_\_\_\_  
John Dimit, Chief Executive Officer  
Champaign County Regional Planning Commission

DATE: \_\_\_\_\_

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**DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE**

The Champaign County Regional Planning Commission (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transportation Administration and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Capital Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Capital Program and, in adapted form in all proposals for negotiated agreements:

The Champaign County Regional Planning Commission, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That 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 effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter

into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Capital Program and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Capital 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 shall 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, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such 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.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Capital Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Capital Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

\_\_\_\_\_  
(Name of Recipient)

\_\_\_\_\_  
(Signature of Authorized Official)

\_\_\_\_\_  
(Date)

Attachments: Appendices A, B, and C

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(APPENDIX A TO DOT TITLE VI ASSURANCE)

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Champaign County Regional Planning Commission or the Federal Transportation Administration to be pertinent to ascertain compliance with such Regulations, orders 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 Champaign County Regional Planning Commission or the Federal Transportation Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Champaign County Regional Planning Commission shall impose contract sanctions as it or the Federal Transportation Administration may determine to be appropriate, including, but not limited to:
  - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or
  - (b) cancellation, termination, or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Champaign County Regional Planning Commission or the Federal Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Champaign County Regional Planning Commission to enter into such litigation to protect the interests of the Champaign County Regional Planning Commission, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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(APPENDIX B TO DOT TITLE VI ASSURANCE)

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Champaign County Regional Planning Commission will accept title to the lands and maintain the project constructed thereon, in accordance with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the Regulations for the Administration of the Capital Program and the policies and procedures prescribed by the Federal Transportation Administration of the Department of Transportation and, also in accordance with and 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, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Champaign County Regional Planning Commission 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 Champaign County Regional Planning Commission 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 shall be binding on the Champaign County Regional Planning Commission, its successors and assigns.

The Champaign County Regional Planning Commission, 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 shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] \* (2) that the Champaign County Regional Planning Commission shall 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, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall 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 purposes of Title VI of the Civil Rights Act of 1964.



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**(APPENDIX C TO DOT TITLE VI ASSURANCE)**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Champaign County Regional Planning Commission pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Champaign County Regional Planning Commission shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, Champaign County Regional Planning Commission shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Champaign County Regional Planning Commission and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Champaign County Regional Planning Commission pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be 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 services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, Champaign County Regional Planning Commission shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, Champaign County Regional Planning Commission shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Champaign County Regional Planning Commission and its assigns.

\* 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 of the Civil Rights Act of 1964.