

**Title VI Plan  
Middle Peninsula Planning District Commission**

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**Adopted January 25, 2017**

Lewis L. Lawrence  
Executive Director

**Prepared by:**  
Beth Johnson  
Title VI Coordinator

**I. POLICY STATEMENT, AUTHORITIES AND CITATIONS**

## **A. Policy of Nondiscrimination**

Middle Peninsula Planning District Commission ("MPPDC") assures that no person shall, on the grounds of race, color, national origin, sex, age, disability or income as provided by Title VI of the Civil Rights Act of 1964 and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPPDC sponsored program or activity. MPPDC further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event MPPDC distributes Federal aid funds to another entity, MPPDC, if required, will include Title VI language in written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. The MPPDC, its Executive Director, and its Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation ("CFR") 200 and 49 CFR 21.



\_\_\_\_\_  
Lewis L. Lawrence, Executive Director

1/25/2017

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Date

## **B. Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

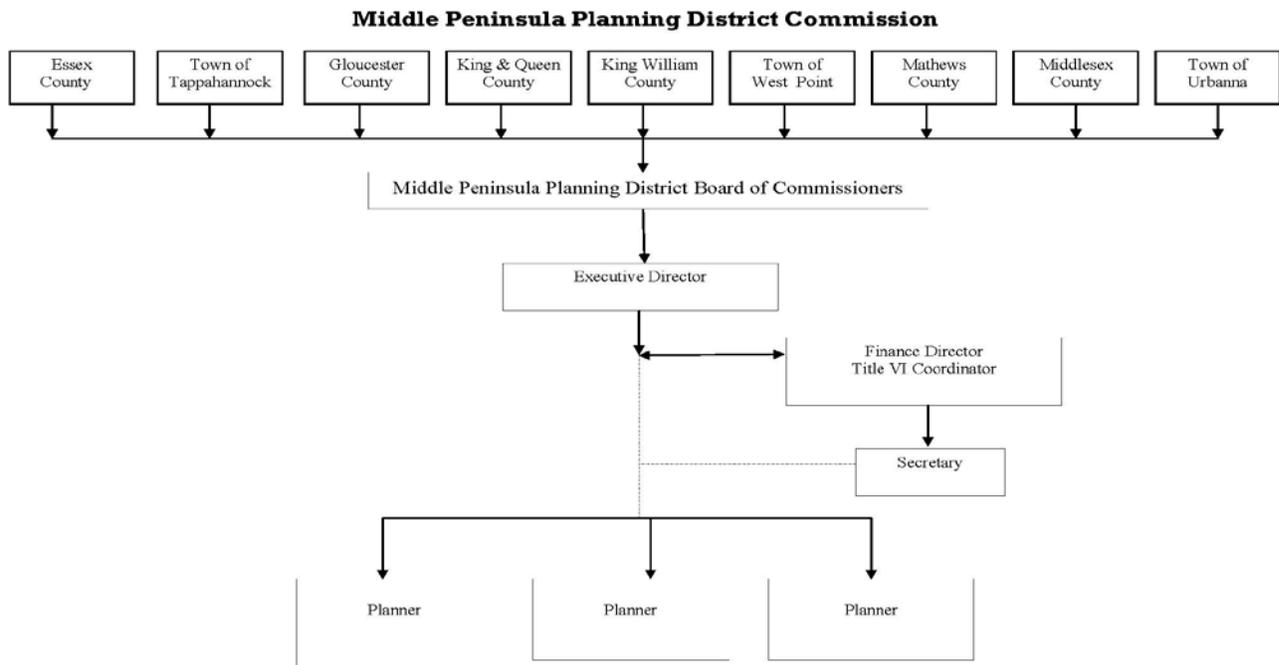
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

## **C. Additional Citations**

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3 (Insert any local citations)

## II. ORGANIZATION, STAFFING AND STRUCTURE

### A. Organizational Chart – Reporting Relationships



### B. Staffing and Structure

#### Executive Director

The Executive Director is authorized to ensure compliance with provisions of MPPDC's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The MPPDC's grants compliance function and Title VI coordination shall be performed under the authority of the MPPDC Executive Director.

#### Title VI Coordinator

MPPDC has recognized a position of its Chief Financial Officer ("CFO") to perform the duties of the Title VI Coordinator, which duties include ensuring the implementation of the MPPDC's Title VI Plan. The CFO has other duties and responsibilities in addition to Title VI. This position has a direct reporting relationship and access to the MPPDC Executive Director.

### **III. TITLE VI PLAN IMPLEMENTATION AND PROGRAM ADMINISTRATION**

#### **Title VI Coordinator's Responsibilities and Program Administration**

As authorized by the MPPDC Executive Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring MPPDC's compliance with Title VI requirements as follows:

##### **A. Program Administration**

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the MPPDC Executive Director.

##### **B. Complaints**

Review written Title VI complaints that may be received by MPPDC following the adopted procedural guidelines (see Section V, Complaint Procedures). Ensure every effort is made to resolve complaints informally.

##### **C. Data Collection**

Review the statistical data gathering process performed by agency program staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII, Special Emphasis Program Areas).

##### **D. Environmental Impact Statements**

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by MPPDC for projects receiving Federal Highway Administration or other Federal assistance.

##### **E. Training Programs**

Conduct or facilitate training programs on Title VI issues and regulations for MPPDC employees; and facilitate Title VI training for appropriate staff, contractors and subrecipients. A summary of training conducted will be reported in the annual update.

##### **F. Title VI Plan Update**

Review and update the MPPDC Transportation Program Title VI Plan as needed or required. Present updated plan to the MPPDC Executive Director for approval; submit amended Plan to the Virginia Department of Transportation ("VDOT") and any other federal agency seeking review of MPPDC's Title VI Plan.

##### **G. Annual Accomplishment Report**

Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required.

##### **H. Public Dissemination**

Work with MPPDC staff to develop and disseminate Title VI program information to MPPDC employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the MPPDC's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of

public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

### **I. Elimination of Discrimination**

Work with appropriate State Agencies to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any MPPDC processes.

### **J. Maintain Legislative and Procedural Information**

Federal laws, rules and regulations, VDOT guidelines, the current MPPDC Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the MPPDC's Title VI program will be maintained and updated by the Coordinator. Information will be made available to the public as requested or required.

## **IV. EDUCATION AND TITLE VI TRAINING**

In keeping with adopted MPPDC policy of nondiscrimination, departmental procedures will be established or followed for employees to have equal access to applicable educational and training opportunities. The Coordinator is responsible for overall Title VI related training and staff development for MPPDC employees. The Coordinator will organize or conduct a minimum of one internal Title VI training session annually. The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically. Virginia Department of Transportation or Virginia Department of Rail and Public Transportation may be asked to provide applicable training.

## **V. COMPLAINT PROCEDURES; ALLEGATIONS OF DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES**

### **A. Overview**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by MPPDC, as well as to sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the MPPDC and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

### **B. Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with MPPDC. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The MPPDC will not officially act or respond to complaints made verbally. Any individual that needs assistance in completing a written complaint will receive help from the agency upon request.

2. Upon receiving the written complaint, MPPDC will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint versus a request for information or concern. When a formal written complaint is received, the MPPDC is required to forward the complaint to VDOT Office of Civil Rights in order to conduct the investigation. In the event VDOT handles the investigation, they will follow their adopted procedures for investigating discrimination complaints, per their current State Title VI Plan. If the complaint is against a sub-recipient, consultant, or contractor, under contract with the MPPDC the appropriate division and/or Agency shall be notified of the complaint, within 15 calendar days.
3. Once VDOT's Office of Civil Rights decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator at the MPPDC and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex. VDOT will also track the complaint as it moves forward or is dismissed. The Federal Highway Administration (FHWA) will be notified promptly of any complaints and they will also be reported in the Annual Accomplishments Report that VDOT submits to FHWA in October of each year.
4. In cases where MPPDC assumes a preliminary investigation before forwarding the complaint to VDOT, the MPPDC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the MPPDC with his/her response to the allegations. A copy of the complaint and MPPDC's preliminary investigative report will be forwarded to VDOT's Office of Civil Rights within 30 calendar days of the receipt of the complaint.
5. Within 60 days of receipt of the complaint, the Coordinator or VDOT investigator will prepare a written investigative report for the MPPDC and MPPDC Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
6. Once the investigative report becomes final, both the complainant and the respondent shall receive a copy of the investigative report and will be notified of their respective appeal rights.
7. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the decision to U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate MPPDC's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating MPPDC will not be available.
8. An annual Log of Complaints and Concerns must be maintained by MPPDC. The Log of Complaints must contain the following information for each complaint filed:
  - The name and address of the person filing the complaint
  - The date of the complaint
  - The basis of the complaint
  - The disposition of the complaint
  - The status of the complaint

Only qualified, well-trained investigators should conduct these investigations. MPPDC will not investigate a complaint against itself.

## **VI. SUB-RECIPIENT REVIEW AND REMEDIAL ACTION PROCEDURES**

The Coordinator will assist VDOT to periodically conduct Title VI compliance reviews of sub-recipients. The review of select recipients of Federal-aid highway or other Federal funds will be conducted to ensure adherence to Title VI requirements. The MPPDC will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails, or refuses to voluntarily comply with requirements within the allotted time frame, MPPDC will submit to VDOT and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply MPPDC and VDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

## **VII. TITLE VI IMPLEMENTATION ACTIVITIES**

### **A. Planning**

#### **Public Involvement in Planning Activities & Title VI:**

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning boards, and requesting involvement.
2. MPPDC staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Agency Title VI Coordinator after each meeting.
3. To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the MPPDC, including those along transit routes, if available, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation projects will specifically impact those communities.

### **B. Design & Engineering / Environmental Activities (If Applicable)**

1. MPPDC is responsible for transportation improvement projects and environmental permitting for projects. Studies are performed to assess various environmental factors evaluating demographic data.

2. Authorities. Title 23, USC 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); National Environmental Policy Act of 1969, 42 USC 4321; 40 CFR Part 1500; 49 CFR Part 622.

### **C. Design /Environmental Review Process and Title VI**

1. Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
2. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process, adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the MPPDC's Federal-aid highway activities.
3. In order to ensure dissemination of information and foster participation from affected populations, staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has information pertaining to their rights to call or write the department to view plans and discuss environmental problems.
4. Staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.
5. MPPDC staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with the MPPDC GIS Staff to generate a map of the federally funded transportation projects sponsored by Middle Peninsula Planning District Commission to include demographic data of the neighborhoods affected by the projects.

### **D. Right-of-way Activities (If Applicable)**

1. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
2. Follow adopted MPPDC vendor procurement policies in the acquisition of contracted services.
3. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
4. Follow guidelines for property acquisition as well as applicable laws and regulations, including Title VI and Section 504.

5. Adhere to departmental policy of apprising affected property owners, tenants, and others involved in right-of-way acquisition of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by VDOT and a copy of the MPPDC Title VI Plan to all affected parties.
6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
9. Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

## **Exhibit 1**

### **Middle Peninsula Planning District Commission's Title VI Notice to the Public**

The Middle Peninsula Planning District Commission hereby gives public notice that it is the MPPDC's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which MPPDC receives Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint MPPDC. Any such complaint must be in writing and filed with the MPPDC Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Title VI Coordinator at Middle Peninsula Planning District Commission or Virginia Department of Transportation at no cost to the complainant by calling (804) 758-2311.

**Exhibit 2**  
**MPPDC Title VI Assurances**

The Middle Peninsula Planning District Commission in the Commonwealth of Virginia, (hereinafter referred to as the "Subrecipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation or other Federal assistance subject to Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d–42 USC 2000d–4 (hereinafter referred to as the "Act") will comply with 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, sex, 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 Subrecipient receives Federal financial assistance, including through the Virginia Department of Transportation, including the U.S. Department of Transportation and Federal Highway 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)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Subrecipient hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the Subrecipient agrees that each "program" and each "facility" 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 Subrecipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:  
  
"The MPPDC in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d--42 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 ensure that 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, sex, or national origin in consideration for an award."
3. That the Subrecipient shall insert required assurance in every contract subject to the Act and the Regulations.
4. That the Subrecipient shall insert required 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 Subrecipient 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 Subrecipient receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.

7. That the Subrecipient shall include the required assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Subrecipient for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates the Subrecipient 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 Subrecipient retains ownership or possession of the property.

9. The Subrecipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subrecipients, sub-grantees, 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 Subrecipient agrees that the United States has a right to seek judicial endorsement 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 Subrecipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subrecipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program.

The person whose signature appears below is authorized to sign this Assurance on behalf of the Subrecipient.



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Lewis L. Lawrence, Executive Director

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1/25/2017

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Date

**Exhibit 2A**  
**Middle Peninsula Planning District Commission's Title VI Assurances for Consultants,  
Contractors, Subcontractors, Suppliers, and Manufacturers**

The Middle Peninsula Planning District Commission will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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 during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement 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 Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement 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 ground of race, color, sex, or national origin.

**3. 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 Middle Peninsula Planning District Commission MPPDC or the VDOT 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 MPPDC, or VDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

**4. Sanctions for Noncompliance**

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Middle Peninsula Planning District Commission MPPDC and the VDOT shall impose such contract sanctions as it, or the Federal Highway 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.

## **5. Incorporation of Provisions**

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement 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 subcontractor or procurement MPPDC or the U.S. Department of Transportation, Federal Highway 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 MPPDC enter into such litigation to protect the interests of the MPPDC and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Exhibit 2B**  
**Granting and Habendum Clauses**

When the Middle Peninsula Planning District Commission is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

**GRANTING CLAUSE**

NOW, THEREFORE, the Middle Peninsula Planning District Commission ("MPPDC"), as authorized by law, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the 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 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey MPPDC all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

**HABENDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interests therein unto Middle Peninsula Planning District Commission ("MPPDC"), 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 the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on MPPDC, its successors, and assigns. MPPDC, 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, sex, 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,<sup>1</sup> (2) MPPDC, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, 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, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the MPPDC shall have a right to reenter 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.

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<sup>1</sup> 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 Civil Rights Act of 1964.

**Exhibit 2C**  
**Lease/Deed Provisions**

Upon receipt of Federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by Middle Peninsula Planning District Commission ("MPPDC") pursuant to the provisions of Title VI Assurances, item 7: The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree 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 lease, for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended. That in the event of breach of any of the above non-discrimination covenants, the MPPDC shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

**The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by MPPDC pursuant to the provisions of Title VI Assurances, item 7.**

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation ---Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended. That in the event of breach of any of the above nondiscrimination covenants, the MPPDC shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.