



New Mexico Department of Transportation

Title VI Implementation Plan

October 2018

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Introduction

The New Mexico Department of Transportation (NMDOT) is a recipient of federal funding from the United States Department of Transportation modal agencies. Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes, regulations and authorities. The purpose of the Title VI Implementation Plan is to describe how NMDOT ensures nondiscrimination and prevents discrimination in the administration and delivery of its federally assisted programs, services and activities. This Title VI Implementation Plan includes the structure of NMDOT's Title VI program as well as the policies, procedures and practices NMDOT uses to comply with nondiscriminatory requirements. The Title VI Implementation Plan is a living document, which is regularly updated by NMDOT's Title VI Coordinator to reflect the Title VI program's revision, additions and deletions. Persons wanting to provide input and feedback regarding the NMDOT's Title VI Implementation Plan are encouraged to contact the NMDOT Title VI Coordinator, at Linda.Ramos@state.nm.us or (505) 470-9668. Written feedback may be sent to the Construction and Civil Rights Bureau, Attn: Title VI Coordinator at 1570 Pacheco St., Suite A10, Santa Fe, NM 87505.

I. Policy Statement

Title VI Policy Statement

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

Environmental Justice/Limited English Proficiency Policy Statement

NMDOT is also committed to assure every effort will be made to prevent the discrimination against low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the NMDOT also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Persons requiring information in alternative formats or in a language subject to NMDOT's Limited English Proficiency (LEP) Plan, should contact the NMDOT Title VI Coordinator.

II. Organizational Structure

Position	Title VI Responsibility
NMDOT Secretary of Transportation	NMDOT Cabinet Secretary (the Secretary) is responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and enforcement of these provisions is required in all NMDOT programs and services. Pursuant to 23 CFR 200.9(a) and 200.9(b)(1), the Secretary shall establish and ensure the Construction and Civil Rights Bureau Staff is fully staffed to fulfill Title VI requirements, and has executed US DOT 1050.2A, Standard Title VI Assurances.
NMDOT Title VI Coordinator	The Title VI Coordinator reports daily responsibilities to the State Construction Engineer, but has direct unfettered access to the Secretary to address Title VI complaints and critical nondiscrimination issues should the need arise. The Title VI Coordinator is located in a NMDOT satellite office at 1570 Pacheco St., Suite A10, Santa Fe, NM 87505. The Title VI Coordinator is responsible for implementation and updates to the Title VI program. A description of the Construction and Civil Rights Bureau is available at: http://dot.state.nm.us/content/nmdot/en/OEOP.html
NMDOT Program Area Liaisons	NMDOT shall assign designated Title VI Program Area Liaisons who collect, review, and submit data relating to Title VI requirements to the Title VI Coordinator. The Title VI Coordinator reviews these submissions and takes action based on the data reported when necessary.
NMDOT Executive Leadership and Management	NMDOT expects members of management to adhere to and advance the principles of nondiscrimination in all programs, services and activities. Though not all supervisors, managers, bureau chiefs and executive staff have defined Title VI duties, each shall receive training every three (3) years. They must also ensure that the Title VI Coordinator and Title VI Liaison has the necessary time and resources needed to provide staff training, conduct investigations and collect/report Title VI program data.

III. Program Monitoring and Review

NMDOT monitors and collects program area data to ensure nondiscrimination in those areas as they relate to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

PLANNING

1. Overview of NMDOT Statewide Planning Bureau

The Statewide Planning Bureau (SPB) ensures compliance with federal and state planning regulations for Metropolitan Planning Organizations (MPOs) and, for the non-metropolitan consultation process, through working with Regional Transportation Planning Organizations (RTPOs). The Bureau is charged with developing the Statewide Long Range Multimodal Transportation Plan (New Mexico Transportation Plan, NMTP), NMDOT's Public Involvement Plan (PIP) and the Strategic Highway Safety Plan (SHSP). The Bureau oversees the Tribal Liaison Program, Bicycle/Pedestrian/Equestrian (BPE) Program, Transportation Alternatives Program (TAP), Recreational Trails Program (RTP), Highway Safety Improvement Program (HSIP), and Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The Bureau also provides coordination and technical assistance and training to local and tribal governments for local project implementation through the Local Technical Assistance Program (LTAP).

The SPB's Government to Government (GTG) Unit administers contracts for seven RTPOs and five MPOs, and works closely with NMDOT's District Offices, STIP Unit, Design Regions and other Divisions to ensure compliance with federal transportation planning regulations.

2. Activities to ensure nondiscrimination in planning programs and services

- The NMDOT uses processes and strategies outlined in its Public Involvement Plan to provide early, continuous and extensive outreach to all communities and stakeholders during planning processes.
- NMDOT requires all MPOs and RTPOs to have current nondiscrimination assurances. NMDOT ensures compliance through requiring Title VI Plans (updated on three-year cycles), annual Title VI reports to the NMDOT Title VI Coordinator documenting any complaints the MPO/RTPO received, and periodic Title VI reviews. The focus of these reviews is to ensure nondiscrimination in the planning process. As a part of these reviews, the Title VI Coordinator examines the following for Title VI compliance:
 - Review contracts to ensure inclusion of the required nondiscrimination provisions.
 - Review public involvement material including meeting notices, project flyers, and other related documents to ensure appropriate nondiscrimination language.
 - Interview planning staff to identify issues and needs as related to nondiscrimination policies and practices.

ENVIRONMENTAL DEVELOPMENT SECTION

1. Overview of the Environmental Development Section

The Environmental Development Section guides and directs the NMDOT in environmental stewardship, cultural resource management, and public involvement in order to assist in the environmentally responsible development, construction, and maintenance of a quality transportation system. The Bureau obtains environmental and cultural resource approvals for transportation projects through NEPA investigations, consultations, analysis, and documentation. Roadside Environment Design provides specifications and consulting on re-vegetation, erosion control, aesthetics, and vegetation management for new and on-going projects for all state highway rights-of-way (ROW). Context Sensitive Solutions (CSS) functions within the Environmental Development Section and provides methods and assistance in incorporating community and environmental values into the transportation facilities being designed statewide.

2. Activities to ensure nondiscrimination in Environmental Development Section programs and activities:

- The NMDOT uses the Public Involvement Plan that is designed to provide early, continuous and extensive outreach to all communities and stakeholders, and ensure project selection does not subject minority, low-income, disabled and elderly populations to disproportionately high and adverse effects.
- The Title VI Coordinator or Liaison shall review NEPA documents and other project activities for nondiscrimination.
- NMDOT Title VI Coordinator shall conduct periodic reviews to assess Title VI compliance. As a part of these reviews, the Title VI Coordinator examines the following for compliance:
 - Review of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as the diversity in selection of consulting firms.
 - Review public involvement material including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language.
 - Review environmental documents to ensure impact assessments appropriately identify underserved communities and discuss avoidance, minimization and mitigation of disproportionately high or adverse impacts.
 - Review and ensure the validity of socioeconomic data.

Below is the Environmental Justice data extracted from American Community Survey (ACS) data, April 2017.

Central Counties

2017	Bernalillo	Sandoval	Torrance	Valencia	Central
Population	676,953	142,025	15,302	75,626	909,906
Individuals below the Poverty Level (number)	131,329	20,168	4,943	17,923	174,362
Individuals below the Poverty Level (Percentage)	19.4%	14.2%	32.3%	23.7%	19.2%
Hispanic Population	324,260	49,851	5,983	44,090	424,184
% Hispanic	47.9%	35.1%	39.1%	58.3%	46.6%

Eastern Counties

2017	Chaves	Curry	De Baca	Eddy	Guadalupe	Harding	Lea	Lincoln	Otero	Quay	Roosevelt	Union	Eastern
Population	65,282	50,280	1,793	57,621	4,687	665	69,749	19,429	65,410	8,365	19,082	4,183	366,546
Individuals below the Poverty Level (number)	14,297	10,559	409	6,511	717	69	10,462	3,206	15,110	1,430	5,019	561	68,349
Individuals below the Poverty Level (Percentage)	21.9%	21.0%	22.8%	11.3%	15.3%	10.4%	15.0%	16.5%	23.1%	17.1%	26.3%	13.4%	18.6%
Hispanic Population	33,947	19,861	690	25,411	3,562	286	35,642	5,790	22,566	3,547	7,614	1,661	160,576
% Hispanic	52.0%	39.5%	38.5%	44.1%	76.0%	43.0%	51.1%	29.8%	34.5%	42.4%	39.9%	39.7%	43.8%

Northern Counties

2017	Cibola	Colfax	Los Alamos	McKinley	Mora	Rio Arriba	San Juan	San Miguel	Santa Fe	Taos	Northern
Population	27,487	12,253	18,147	74,923	4,504	40,040	115,079	27,760	148,651	33,065	501,909
Individuals below the Poverty Level (number)	8,054	2,438	1,107	28,096	1,054	9,489	23,131	8,245	23,190	8,002	112,805
Individuals below the Poverty Level (Percentage)	29.3%	19.9%	6.1%	37.5%	23.4%	23.7%	20.1%	29.7%	15.6%	24.2%	22.5%
Hispanic Population	10,033	5,783	2,668	9,965	3,648	29,269	21,980	21,320	75,217	18,450	198,333
% Hispanic	36.5%	47.2%	14.7%	13.3%	81.0%	73.1%	19.1%	76.8%	50.6%	55.8%	39.5%

Southwestern Counties

2017	Catron	Dona Ana	Grant	Hildago	Luna	Sierra	Socorro	Southwestern
Population	3,508	214,207	28,280	4,302	24,450	11,191	17,027	302,965
Individuals below the Poverty Level (number)	603	60,406	5,882	1,002	7,237	2,328	4,274	81,733
Individuals below the Poverty Level (Percentage)	17.2%	28.2%	20.8%	23.3%	29.6%	20.8%	25.1%	27.0%
Hispanic Population	667	140,734	13,659	2,435	15,037	3,133	8,258	183,923
% Hispanic	19.0%	65.7%	48.3%	56.6%	61.5%	28.0%	48.5%	60.7%

RIGHT-OF-WAY UNIT

1. Overview of the Right-of-Way Unit

The Right-of-Way Unit is responsible for acquiring and managing all property for the NMDOT to allow for the construction and maintenance of projects. We identify property owners, provide title reports, appraise affected properties, review the appraisals, and negotiate and acquire these properties in a compassionate and cost-effective manner.

2. Activities to ensure nondiscrimination in Right-of-Way Unit programs and activities:
 - Review Right-of-Way for use of interpreters and translators, as necessary, to ensure those with LEP need receive meaningful access to NMDOT's services.
 - Review Right-of-Way provides special accommodations, as needed, for people for disabilities.
 - Review appraisal, acquisition, relocation and other documentation to ensure nondiscrimination.
 - NMDOT Title VI Coordinator shall conduct periodic reviews to assess Title VI compliance. As a part of these reviews, the Title VI Coordinator examines the following for compliance:
 - Review of appraisal contracts to ensure inclusion of required nondiscriminatory provisions as well as diversity in selection of consulting forms.
 - Review Right-of-Way public materials including information notices, relocation assistance documents and other similar material to ensure appropriate nondiscrimination language is included, and material are offered in other languages as appropriate thought the NMDOT's LEP Plan.
 - Review project Right-of-Way documents to ensure appraisals, acquisitions and relocation assistance do not show trends in discrimination towards minorities or low income populations.
 - Interview, as appropriate, members of the public impacted by acquisition and relocation.

CONSTRUCTION AND CIVIL RIGHTS BUREAU

1. Overview of the Construction functions within the Construction and Civil Rights Bureau (CCRB)

State Construction and Civil Rights Bureau's goal is to provide the resources necessary to ensure the quality of construction projects by improving decisions made in the field, making information available for training and to maintain statewide consistency. The highway construction program is ever changing and it is imperative that relevant up

to date resources are available for the stakeholders involved in the construction process.

2. Activities to ensure nondiscrimination in CCRB programs and activities:

- Monitor prime and subcontract awards to ensure disadvantaged and small business opportunities to receive NMDOT work.
- Ensure project activities avoid disproportionately high or adverse impacts to traditionally underserved communities during the construction phase of a project.
- Review contract and randomly selected subcontracts to ensure appropriate nondiscrimination language and required Civil Rights Notice to Contractors is included.
- NMDOT Title VI Coordinator shall conduct periodic reviews to assess Title VI compliance. As a part of these reviews, the Title VI Coordinator examines the following:
 - Review NMDOT construction contracts, subcontracts, purchase orders and lease agreements to ensure the inclusion of required nondiscrimination provisions.
 - Review local agency construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of requires nondiscrimination provisions.
 - Sample Contractor Compliance reviews to ensure adequacy and consistency of the process.

OTHER PROGRAM AREAS

NMDOT has other program areas, (e.g. Research Bureau and Regional Design Units) that have limited contact with the public in which NMDOT's programs, services and activities are delivered. The Title VI Coordinator shall review each of these areas, as necessary, within the Special Emphasis Review process.

IV. Program Review Procedures

Each program area Title VI liaison will provide annual reports describing the activities that intersect with the Title VI Nondiscrimination Program. In this report, the program area will provide the data they have collected throughout the period and explain the steps their program area has taken to comply with Title VI Program requirements. In these reports, program area liaisons will provide the following information:

- A description of the service area demographics, including how information was collected
- How Title VI information was disseminated to the public

- Whether Title VI populations were affected and, if so, what groups were affected; what efforts were made to minimize and mitigate adverse effects
- The number of Limited English Proficiency (LEP) Four Factor Analyses conducted
- The number of requests for LEP services and those provided
- A description of any discrimination-related complaints received
- Any proposed changes to policy or procedures

The Title VI Coordinator will review and evaluate the data reported in these reports to identify trends, prioritize and identify ‘special emphasis areas’ which will subject the program area to a comprehensive onsite compliance review.

V. Special Emphasis Program Areas

NMDOT identified their Special Emphasis Program Areas on the volume of complaints and identifies opportunities for improvement of the respective Program Area.

In addition, based on the information collected through Title VI Liaison reports, the Title VI Coordinator will determine whether or not a program area will be considered a “Special Emphasis Program Area”. This determination will be based on the criteria set out in the “Program Review Procedures”.

The comprehensive review will follow the steps set out below:

1. Once identified for an internal comprehensive review as a special emphasis program all internal policies and procedures will be submitted to the Title VI Coordinator for a thorough review.
2. Personal interviews will be conducted by the Title VI Coordinator.
3. Sampling contracts to ensure inclusion of required nondiscrimination provisions.
4. Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure LEP requirements are being met.
5. The Title VI Coordinator will complete a review and issue a findings report with recommendations to achieve compliance.
6. The Title VI Coordinator and the program area will work together to create an Action Plan, which will include but not be limited to resources, training, and best practices to achieve compliance.
7. If a resolution cannot be achieved, a recommendation and finding will be issued to the State Construction Engineer.

VI. Sub-Recipient Review Procedures

NMDOT prioritizes subrecipient reviews using the following criteria:

- Risk based – subrecipients that have received a complaint or have a history of Title VI noncompliance. Also, reviews may be conducted on subrecipients that may have been awarded a project that may have Title VI concerns due to the nature and/or scope of the project.
- Volume based – New Mexico is a small population state with its populations centered around several midsized to small metropolitan areas that historically are awarded a high volume of federal-aid local and state lead project. NMDOT continuously reviews these high-volume subrecipients for Title VI compliance.

In 2016, NMDOT conducted an initiative to have all Federal-aid subrecipients submit an updated or new Title VI Plan by January 2017. In 2017, NMDOT reviewed all submitted Title VI Plans and is in the process of providing feedback to the recipients and describing where the recipients Title VI Plans are compliant and non-compliant. NMDOT will require recipients to submit compliant updated Title VI Plans in 2019.

Title VI Requirements for MPOs, RPOs, and COGs Agencies Receiving Federal Highway Funds (FHWA)

As recipients of federal financial assistance, subrecipients must implement policies and procedures prohibiting discrimination, including but not limited to the following:

1. Title VI Nondiscrimination Statement of Policy
 - a. Express commitment to Title VI nondiscrimination program.
 - b. Specific program and activities covered by Title VI.
 - c. A delegation of authority and responsibilities to appropriate Title VI personnel.
 - d. Identification of the Agency's Title VI Program Coordinator.
 - e. The Policy is signed by the Chief Administrative Officer.
 - f. Policy statement circulated throughout organization and made available to the public.
 - g. List of all relevant federal statutes, regulations, executive orders, and other legislation.
 - h. Provide the "Notice to the Public" including a list of locations where it is posted.
2. Subrecipient Title VI organization and staffing information, including:
 - a. Identification of the Title VI Coordinator and Program area.
 - b. Description of the Title VI Coordinator showing relation to the top executive as shown on an organizational chart.

- c. Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.
- 3. Federal-aid program emphasis areas, including:
 - a. Description of program areas.
 - b. Legal/operational authorities.
 - c. Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.
- 4. Title VI Standard Assurances and Appendices
- 5. Data collection procedures
 - a. Describe how the organization collects data.
 - b. Describe what data is collected.
 - c. Describe how the data is analyzed.
 - d. Describe how often data is collected.
 - e. Describe how the data is related to the different program areas.
- 6. Complaint procedures, including:
 - a. Process for filing complaint and provide complaint form.
 - b. Description of investigative process.
 - c. Responsible agency staff.
 - d. Time limits to submit complaint and complete investigations.
 - e. Provide investigation reports to NMDOT Title VI Coordinator within 60 days of receipt of the complaint.
- 7. Annual Goals and Accomplishment Reports
 - a. Number of program area reviews conducted, results of the review, actions taken and actions planned.
 - b. Number and type of compliance reviews conducted for subcontractors/consultants.
 - c. Title VI related training provided for agency staff and subcontractor/consultants.
 - d. Summary of Title VI complaints filed with the agency.
 - e. Number of compliance reviews planned for the upcoming year.
 - f. Outcome of analyzed data for each department reviewed.
- 8. Complying with the Limited English Proficiency Requirements
 - a. Provide an LEP Plan.
 - b. Description of how the agency reaches LEP populations.
 - c. Describe how the agency uses the four factor analysis for each program.
- 9. Environmental Justice
 - a. Describe the process by which Environmental Justice requirements are met.

- b. Describe how agency is collecting minority (race) and how low income population data, in addition to other nondiscrimination population data.

10. Training Procedures

- a. Describe how and when members of the agency are trained on the Title VI program requirements and responsibilities.
- b. Include procedures as to how and when training will be conducted for other stakeholders.

Title VI Requirements for Local Public Agencies of Federal Highway Funds

As recipients of federal financial assistance, subrecipients must implement policies and procedures prohibiting discrimination, including, but not limited to the following:

1. Signed Title VI Nondiscrimination Agreement which incorporates the following:
 - a. Express commitment to Title VI nondiscrimination program
 - b. Specific programs and activities covered by Title VI
 - c. The Agency Title VI Program Coordinator
 - d. Policy signed by the Chief Administrative Officer
 - e. Policy statement made available to organization and the public
 - f. Provide notice to the public including a list of location where it is posted
 - g. Complaint Procedures
2. Title VI Standards Assurances and Appendices
3. Training Procedures
 - a. Describe how and when members of the agency are trained on Title VI program requirements and responsibilities
 - b. Include procedures as to and when training will be conducted for other stakeholders.

VII. Data Collection/ Reporting and Analysis

NMDOT is required by federal regulation to collect statistical data on the race, color, and national origin of participants in, and beneficiaries of, its programs. The NMDOT Title VI Coordinator works with program area staff on collecting and analyzing data. Data collection efforts, specific to each program area, are described on an annual basis in NMDOT's Goals and Accomplishment Report. The following is a brief description of data collection efforts conducted by NMDOT.

Planning Division - The Planning Division uses demographic data to ensure future projects consider the input from Title VI populations and the potential impacts a project may have

on these populations. The Planning Division also uses GIS data, ACS data and US Census data to help identify where and to what degree Title VI populations exist and how they potentially may be impacted.

Environmental/Design – NMDOT collects and analyzes U.S. Census and other data regarding populations expected to be involved in the environmental review process. NMDOT's process for identifying possibly impacted minority and low-income communities is described in the NEPA, Cultural and Natural Resource Document Guidelines.

http://dot.state.nm.us/content/dam/nmdot/Infrastructure/EDS/CE_checklist_instructions.pdf

Right of Way - Right of Way staff collects, analyzes, and uses U.S. Census data to better understand the population Right of Way staff interacts with and serves. They prioritize having the right staff to communicate with people who have limited English proficiency. The Right of Way staff and relocations demographic data is reported to the Title VI Coordinator on an annual basis. The Right of Way staff also provides "Right of Way Acquisition" Procedures in both English and Spanish.

(http://dot.state.nm.us/content/dam/nmdot/Infrastructure/ROW_Permits/ROW_Acquisition.pdf)

(http://dot.state.nm.us/content/dam/nmdot/Infrastructure/ROW_Permits/ROW_Acquisition_spanish.pdf)

VIII. Title VI Training

Title VI Training is offered three ways. State of New Mexico State Personnel Office (SPO) offers basic Title VI information training to all New Mexico state employees. NMDOT staff participates and delivers training to MPOs and RTPOs membership periodically or upon request. NMDOT also provides training to Program Area liaisons regarding data collection and reporting requirements.

IX. Environmental Justice (EJ)

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

Fair treatment is defined as:

- All persons share in the benefit of NMDOT's programs, services and activities.
- No person (including racial, ethnic and low income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies.

There are three fundamental environmental justice principles:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In accordance with Executive Order 12898, NMDOT exercises the principles of Environmental Justice in all programs, services and activities through its public involvement program and through review of NDMOT programs and project, to identify, avoid, minimize or mitigate disproportionately high and adverse impacts. Desire for more information regarding NDMOT's commitment to Environmental Justice may be addressed to the Title VI Coordinator.

NMDOT uses EJ data predominately at the Environmental and Design portions of project development to evaluate potential impacts to the low-income and minority members of New Mexico's population. New Mexico is a minority-majority state with 21% of all people having income in the past 12 months below the poverty level. Within rural counties the poverty rate is often higher. When NMDOT develops projects, EJ populations are inherently considered because the EJ population makes up the majority of the population a project may affect.

The NMDOT process for identifying potentially impacted minority and low-income communities is described in the NEPA, Cultural and Natural Resource Document Guidelines.

http://dot.state.nm.us/content/dam/nmdot/Infrastructure/EDS/CE_checklist_instructions.pdf

X. Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient (LEP). These

individuals may be entitled to language assistance with respect to NMDOT programs, services, or activities.

NMDOT complies with Executive Order 13166 (Limited English Proficiency) and related Federal authorities through the LEP Plan. The following factors are used in the development of its LEP Plan:

1. Collection of data of the service population for LEP.
2. The frequency LEP populations use NMDOT programs and services.
3. The nature of the NMDOT programs and services used.
4. The resources available to NMDOT.
5. In areas that contain large LEP populations, outreach is done in Spanish.

NMDOT updates its LEP data using the latest American Community Survey (ACS) 5-year estimate data. Many of New Mexico's counties have populations smaller than 20,000, and the ACS one year data does not collect data on communities with a population smaller than 20,000. (See data on page 18.)

Federal law provides a "Safe Harbor" stipulation so that recipients like NMDOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "safe harbor" means that if NMDOT provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the NMDOT's written-translation obligations under Title VI.

The failure to provide written translation in certain circumstances does not mean there is noncompliance. For example, even if safe harbor is not used, if written translation of certain documents would be so burdensome as to defeat the legitimate objective of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less of the population of person's eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirements to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Public outreach documents are provided in Spanish. Translators are also provided at public meetings in areas that have high LEP populations. Also, a process has been developed for individuals to request translators.

NEW MEXICO LEP POPULATION DATA 2017

County	Population	LEP %	LEP Population	% Pop Spanish	Pop Spanish	% Pop Other	Pop Other
Sandoval	126,768	5.3%	6,719	53%	3573	35%	2376
Bernalillo	627,586	8.5%	53,345	85%	45199	3%	1757
Valencia	71,407	9.0%	6,427	97%	6204	1%	93
Torrence	15,215	5.9%	898	96%	865	3%	29
CENTRAL	840,976	8.0%	67,388	82.9%	55841	7.6%	4255
Union	4,185	10.3%	431	91%	394	7%	30
Harding	625	5.9%	37	100%	37	0%	0
Quay	8,305	3.8%	316	98%	311	0%	0
Guadalupe	4,399	4.9%	216	96%	207	4%	9
De Baca	1,928	8.4%	162	99%	161	0%	0
Curry	45,862	8.4%	3,852	94%	3628	2%	75
Roosevelt	18,515	7.8%	1,444	95%	1369	1%	17
Lincoln	19,191	7.3%	1,401	90%	1257	5%	75
Chaves	60,860	12.5%	7,608	95%	7237	0%	6
Otero	60,474	11.1%	6,713	80%	5388	3%	216
Eddy	51,059	6.7%	3,421	95%	3235	1%	17
Lea	61,086	13.4%	8,186	99%	8086	0%	17
EASTERN	336,489	10.0%	33,785	92.7%	31310	1.4%	464
Cibola	25,541	9.3%	2,375	65%	1549	31%	732
Colfax	12,604	5.0%	630	88%	554	0%	3
Los Alamos	17,080	3.7%	632	51%	320	1%	6
Mora	4,446	15.7%	698	98%	681	0%	0
Rio Arriba	37,356	6.7%	2,503	96%	2409	4%	88
San Juan	117,607	5.8%	6,821	49%	3309	48%	3241
Santa Fe	138,713	10.5%	14,565	94%	13720	1%	133
San Miguel	27,320	15.0%	4,098	93%	3807	2%	63
McKinley	66,676	12.1%	8,068	18%	1460	79%	6396
Taos	31,239	5.8%	1,812	88%	1592	3%	56
NORTHERN	478,582	8.8%	42,202	69.7%	29401	25.4%	10719
Catron	3,631	2.7%	98	189%	185	7%	6
Socorro	16,593	15.1%	2,506	58%	1450	39%	987
Grant	27,595	5.3%	1,463	96%	1410	1%	8
Sierra	11,344	3.5%	397	84%	335	0%	0
Hidalgo	4,414	9.4%	415	96%	397	0%	0
Luna	23,149	18.0%	4,167	98%	4096	1%	54
Dona Ana	197,290	15.0%	29,594	97%	28693	0%	117
SWESTERN	284,016	13.6%	38,638	94.6%	36565	3.2%	1173
NM TOTAL	1,940,063	9.4%	182,013	84.1%	153116	10.8%	16611

XI. Discrimination Complaint Procedures

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Executive Order 12898
- Executive Order 13166

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

Title VI Complaint Reporting

An individual, group of individuals or entity may file a formal Title VI complaint with NMDOT. Complaints shall be submitted to the NMDOT Title VI Coordinator (at the Construction and Civil Rights Bureau) in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator
Construction and Civil Rights Bureau
1570 Pacheco St.
Suite A10
Santa Fe, NM 87505

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

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad

Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

The Title VI Coordinator will be responsible for notifying the respondent(s) of the complaint within five working days of receipt. A copy of the complaint will also be forwarded to the alleged discriminatory sub-contractor official. The Title VI Coordinator's name and telephone number shall be included. Additionally the Title VI Coordinator will forward a copy of the complaint to the NMDOT Office of General Counsel for review, and to the Civil Rights Specialist at the Federal Highway Administration.

Title VI Complaint Investigations

An investigation by the Title VI Coordinator or an otherwise qualified investigator will be completed within 180 days of receipt of the complaint. If additional time is needed the Title VI Coordinator will contact the complainant and inform them.

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

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

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

Once the investigation is completed, a final report will be provided to the respondent and the complainant. The final report will include the following:

- The written complaint containing the allegations, basis, and date of filing
- Summarized statements taken from witnesses
- Findings of fact
- Conclusions (based on all evidence in the record) that the complaint is substantiated or unsubstantiated
- Action(s) the respondent must be taken to correct deficiencies and to ensure Title VI compliance (if applicable)

The respondent may implement corrective actions after the initial 30 calendar days with projected time period(s) in which those actions are scheduled to be completed. All corrective actions must be implemented within 180 calendar days.

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

Title VI Complaints Log

NMDOT keeps and maintains a Title VI Complaint Log. The Complaint Log is administered and controlled by the NMDOT Title VI Coordinator. Title VI Complaints submitted to NMDOT are also forwarded to FHWA.

XII. Dissemination of Title VI Information

Notice of rights under Title VI in English and Spanish in public areas is posted in NMDOT's General Office and six District Offices. This information informs the public of their rights under Title VI, how the public can obtain more information, and how to file a Title VI Complaint. This information is available in both English and Spanish and is posted on the NMDOT website, including how to file a Title VI complaint.

<http://dot.state.nm.us/content/nmdot/en/OEOP.html>

XIII. Review of NMDOT Directives

NMDOT reviews reports provided by NMDOT's Program Area Title VI Liaisons to assess if there are Title VI issues and formulate actions plans around Title VI issues that are identified.

Liaisons for each program area are responsible for reviewing the directives. NMDOT strives to be proactive in using information from Program Areas to identify potential Title VI issues, for example:

Planning:

- Number of Corridor Studies conducted
- Large Planning Studies scheduled to be conducted
- What kind of public outreach is associated with these activities

Environmental

- Gather Environmental Justice information from NEPA assessments.
- Public information and outreach information

Design

- Number of contracts that are scheduled to be advertised.

Construction

- Process on how construction information is disseminated to the public

Research

- Process of how contracts are advertised to schools and universities

XIV. Compliance and Enforcement Procedures

NMDOT addresses discrimination or potential discrimination and identifies opportunities to resolve deficiencies through its complaint process and Title VI reviews conducted on its Program Areas and local government agencies.

XV. Annual Goals and Accomplishments

The NMDOT, through its Title VI Coordinator, tracks activities and accomplishments in its Title VI Program and provides an annual report to FHWA on November 1st. This report is a public record and available to the public on request through the NMDOT Title VI Coordinator. The annual Title VI Accomplishments and Goals report reflects the performance of the program, while identifying challenges and goals for the following year. The Accomplishments and Goals Report shall contain:

1. Revisions to the policy statement and procedures.
2. Changes to the organization's structure or staffing.
3. Summary of reviews and monitoring activities conducted and outcomes or conclusions.
4. Summary of Title VI complaints.
5. Summary of Title VI accomplishments in each identified Program Area.
6. Summary of Title VI training, including the type of training, dates and a record of those in attendance.

Attachment 1

Title VI Nondiscrimination Statement of Policy

Title VI Nondiscrimination Statement of Policy

Title VI Policy Statement

The New Mexico Department of Transportation (NMDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. NMDOT assures that no person shall on the grounds 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 under any NMDOT program, activity, or service.

Environmental Justice/Limited English Proficiency Policy Statement

NMDOT assures that every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the NMDOT also assures every effort will be made to provide meaningful access to persons that have limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

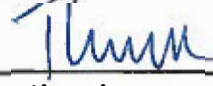
Specific Forms of Discrimination Prohibited

NMDOT's efforts to prevent discrimination must address, but are not limited to:

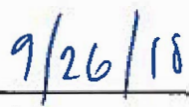
- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits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

NMDOT Programs and Services Covered by Title VI

NMDOT's Title VI Plan applies to all of the Department's programs, activities, and services, regardless of funding source.



Tom Church
Cabinet Secretary
New Mexico Department of Transportation



Date

Attachment 2

NMDOT Title VI Assurances

NMDOT Title VI Assurances

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *non-discrimination, In Federally-Assisted Programs Of The Department of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

"No person in the United States shall, on the 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 DOT, including the FHWA."

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient shall insert the following notification in all solicitations for bids, Request For Proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The New Mexico Department of Transportation (NMDOT), 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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States 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 the right 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 project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific

authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

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

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

The NMDOT 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 U.S. Department of Transportation under Federal-Aid Highway Program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

New Mexico Department of Transportation

 Dated: 10/1/18

Tom Church, Cabinet Secretary

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 Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the “Regulations”), which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by THE Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.
3. **Solicitations for 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, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the New Mexico Department of Transportation (NMDOT), or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s non-compliance with the nondiscrimination provisions of this contract, the New Mexico Department of Transportation (NMDOT) will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending the contract, in whole or in part.

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

Appendix B

Covenant Running with the Land Assurance

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

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

(Habendum Clause)

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

The State of New Mexico, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the State of New Mexico will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said 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 shall have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and vest in and become

the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

Appendix C
Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico, pursuant to the provisions 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 said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

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

Appendix D

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

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

- A. The (grantee, licensee, 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, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, 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, the State of New Mexico will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to the deeds, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

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

Appendix E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et. seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which 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 Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title

VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)

Attachment 3

Organizational Chart

CONSTRUCTION and CIVIL RIGHTS BUREAU ORGANIZATIONAL CHART – ORG 3300

