

Seward County Title VI Implementation Plan

Policy Statement

[updated March 2024]

In accordance with Title VI of the Civil Rights Act of 1964 and related statutes, Seward County ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services, or activities administered by Seward County.

FOR SEWARD COUNTY:



Misty Ahmic
Chair, Seward County Board of Commissioners

6/4/2024

Date

Implementation Procedures

[updated March 2024]

This document shall serve as the Local Public Agency's (hereinafter referred to as the LPA) Title VI Plan pursuant to 23 CFR 200 and 49 CFR 21. For the purposes of this Title VI Implementation Plan, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by the Federal Highway Administration, Nebraska Department of Transportation, or the U.S. Department of Transportation within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOT's Highway Civil Rights Manager within 10 days of the date the complaint was received by the LPA.

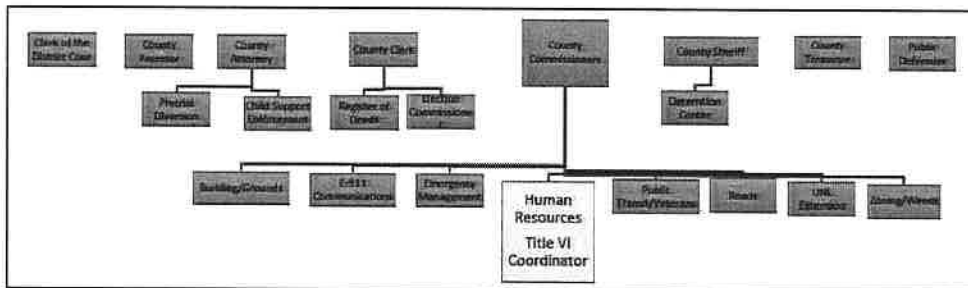
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.
- g) Conduct Title VI reviews of the LPA and subrecipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year:
 - 1) Annual Work Plan
 - Outline Title VI monitoring and review activities planned for the coming year; identify which activities will be accomplished and target date for completion.
 - 2) Accomplishment Report
 - List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified, and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator.
 - List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaints and actions taken.

Organization and Staffing

[updated March 2024]

Organizational Hierarchy

Following is an organizational chart, illustrating the level and placement of Title VI Coordinator within Seward County:



Staffing

Local Public Agency Governing Body

The Board of Commissioners of Seward County is authorized to ensure compliance with provisions of the Seward County's Policy on non-discrimination and with the law, including the requirements of 23 CFR 200 and 49 CFR Part 21. Seward County's grant compliance function and Title VI coordination shall be performed under the authority of the Board of Commissioners of Seward County, Nebraska.

Title VI Coordinator

Pursuant to 23 CFR 200, Seward County has appointed a Title VI Coordinator who is responsible for Seward County's Title VI Program. The Director of Human Resources shall be the Title VI Coordinator. In the event of vacancy of this position, the Board of Commissioners shall appoint an interim Title VI Coordinator:

Seward County Title VI Coordinator

Human Resources Director

529 Seward Street, Room 105

Seward, Nebraska 68434

402-643-2796

Title VI Specialists

The LPA has designated Title VI Specialists in departmental special emphasis program areas. The Specialists, designated below, shall work in concert with the Title VI Coordinator. These key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation related funding or are responsible for implementing LPA directives and policies to ensure civil rights compliance and equal opportunity. The Specialist will work with the Title VI coordinator to ensure their respective departments and programs comply with title VI regulations and assurances, meet the

objectives of the Title VI Plan, meet Federal and State reporting requirements, and provide adequate training opportunities for applicable staff.

The Title VI Specialists will work with the Title VI Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers, and other sub-recipients under Federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Title VI Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of Federally funded Seward County transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Title VI Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

The following office/positions are Title VI Specialists:

Seward County Highway Superintendent
Veteran Service Officer/Public Transit Director

Title VI Plan Administration

I. Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Seward County Commissioners, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA'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 recommendations as required to the LPA's Governing Body.
- b. **Complaints.** Review written Title VI complaints that may be received by LPA following the adopted procedural guidelines (See Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.
- c. **Data Collection.** Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See 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) 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 LPA employees. Facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.
- f. **Title VI Plan Update.** Review and update the LPA Title VI Plan as needed or required. Present updated plan to the LPA Governing Body for approval; submit amended Plan to the Nebraska Department of Roads (NDOR).
- 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 and submit it by July 31.
- h. **Public Dissemination.** Work with LPA staff to develop and disseminate Title VI program information to LPA 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, information brochures, and/or annual publication of the LPA's Title VI Policy Statement in newspaper(s) having a general circulation. 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. Utilize available minority publications or media, and, where appropriate, provide written or verbal information in languages other than English.

- i. **Elimination of Discrimination.** Work with other LPA offices to establish procedures for promptly receiving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any LPA processes.
- j. **Maintain Legislative and Procedural Information.** Federal laws, rules, and regulations, NDOR guidelines, the current LPA Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the LPA's Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to other LPA's or the public as requested or required.

II. Sub-Recipient Review and Remedial Action Procedures

- a. **Title VI Review of Sub-recipients of Federal-Aid Highway Funds.** The Coordinator will assist NDOR to periodically conduct Title VI compliance reviews upon request by NDOR. LPA staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VII). The LPA 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.
- b. **Post-Grant Reviews.** The Coordinator will collaborate with Seward County Department of Roads staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VII). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.
- c. **Remedial Action.** When irregularities occur in the administration of Federal-aid highway programs at either the LPA or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. LPA will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. LPA will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the LPA will reduce to writing any recommended remedial action agreed upon by the LPA and sub-recipient and provide a copy of the letter within a period not to exceed 45 days.

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, LPA will submit to NDOR 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, LPA and NDOR may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

III. Title VI Implementation Activities in Special Emphasis Program Areas

a. Planning & Location Activities

- i. **Planning Process.** The Seward County Highway Superintendent has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to LPA citizens. The Seward County Highway Superintendent annually updates and coordinates LPA's six-year plan for transportation improvement programs and projects. The update also informs other LPA Department jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various divisions in the LPA, cities, local jurisdictions and organizations, citizen groups, and private individuals. All six-year plans must be consistent with the adopted Comprehensive Plan approved under the State's Growth Management Act.

b. Public Involvement in Planning Activities & Title VI

- i. LPA will 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 board, and requesting involvement.
- ii. The Highway Superintendent and/or his/her 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 Title VI Coordinator after each meeting.
- iii. To ensure access to public meetings, LPA shall select accessible locations and times for public hearings or meetings in Seward County, Nebraska, and ensures translation services are available if anticipated.

c. Consultant Contracts Activities

- i. **Consultant Contracts Administration.** The Seward Department of Roads Division is responsible for recommending consultant firms to the LPA for final selection, negotiation and award. The Highway Superintendent administers awarded consultant contracts.
- ii. **Consultant Selection Process.** The Seward County Road Department staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated

with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects. Consultant selection from the certified list maintained by the Seward County Roads Division adheres to Nebraska State regulations and is consistent with Seward County LPA vendor policies.

iii. Title VI Assurances and Provisions

Include Title VI assurance and provision language in all Federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.

d. Design & Engineering / Environmental Activities

i. 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. The Seward County Highway Superintendent will 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 LPA's Federal-aid highway activities.
3. In order to ensure dissemination of information and foster participation from affected populations, the Seward County Highway Superintendent and/or 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 LPA 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 the 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.

e. **Right-of-way Activities**

- i. **Real Property Services.** The Seward County Roads Department manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects (may be through separate contract). The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

f. **Right-of-way Activities and Title VI**

The Seward County Highway Superintendent will:

- i. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
- ii. Follow adopted vendor procurement policies in the acquisition of contracted services.
- iii. Utilize current directories identifying fee appraiser organizations and the Nebraska Department of Roads' list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers and provide data to the Title VI Coordinator on a quarterly basis.
- iv. 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.
- v. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- vi. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- vii. Maintain statistical data including race, color, national origin, and sex on all relocates affected by Federally funded projects and provide detailed demographic data quarterly to the Title VI Coordinator.

**Discrimination Complaint Procedures –
Allegations of Discrimination in Federally Assisted Programs or Activities**

[updated March 2024]

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 and related statutes may file a complaint with the LPA. All complaints will be referred to the LPA's Title VI Coordinator for review and action.

Complaints must be filed within 180 days of the last date of alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints should be in writing and signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOT, FHWA, and U.S. DOT.

The LPA will advise the NDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification:

Name, address, and phone number of the complainant;
A written explanation of what has happened;
The basis of the complaint (i.e., race, color, national origin);
The identification for the respondent, e.g. agency/organization alleged to have discriminated;
The date(s) of the alleged discriminatory act(s);
The date of complaint received by the LPA;
Other agencies (state, local or Federal) where the complaint has been filed; and,
An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.

NDOT will forward the complaint to the FHWA. The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and, based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOT, or U.S. DOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOT with a copy of this decision and summary of findings upon completion of the investigation.

Any complaints received against the LPA should immediately be forwarded to NDOT for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.

Contacts for Title VI administrative jurisdictions are as follows:

Nebraska Department of Transportation
NDOT Civil Rights Office, Title VI Program P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4544

Federal Highway Administration Nebraska Division Office
100 Centennial Mall North Lincoln, NE 68508
(402) 437-5765

APPENDIX A

[updated March 2024]

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

- (1) **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, or the Nebraska Department of Transportation, as they may be amended from time to time, 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 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 49 CFR Part 21.
- (3) **Solicitations for Subcontractors, 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 Recipient, the Federal Highway Administration, or Nebraska Department of Transportation 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 will so certify to the Recipient 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 a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration or Nebraska Department of Transportation may determine to be appropriate, including, but not limited to:
 - withholding payments to the contractor under the contract until the contractor complies; and/or
 - cancelling, terminating, or suspending a contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation 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 with a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY *[updated March 2024]*

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Seward County will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable federal statutes, the Regulations for the Administration of the Federal-Aid Highway Program 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, Nondiscrimination 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 Seward County 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 Seward County 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 Seward County, its successors and assigns.

Seward County, in consideration or 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 Seward County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, 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 will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

[updated March 2024]

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

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a 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, Seward County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, Seward County will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities shall there upon revert to and vest in and become the absolute property of Seward County 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 D

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

[updated March 2024]

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Seward County 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 be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, 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, Seward County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Seward County will there upon revert to and vest in and become the absolute property of Seward County 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

[updated March 2024]

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, (23 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 USC § 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 programs 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 programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

LPA Title VI Notice to the Public

The County of Seward County, Nebraska, hereby gives public notice that it is the LPA'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 Seward County, Nebraska 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 with Seward County. Any such complaint must be in writing and filed with Seward County's 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 Seward County Board of Commissioners Office at no cost to the complainant by calling (402) 643-2883.